THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 15 NUMBER 32

Washington, Thursday, February 16, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; COLORADO

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

COLORADO

County	Average value	Investment limit
Bent	$18,000	$12,000
Routt	18,000	12,000
Washington	16,000	12,000

(Sec. 41, 50 Stat. 529, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 10th day of February 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-1323; Filed, Feb. 15, 1950; 8:49 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 5—DETERMINATION OF PARITY PRICES

Sec.
5.1 Parity index and index of prices received by farmers.
5.2 New parity indexes.
5.3 Index of prices received by farmers.
5.4 Marketing season average price data.
5.5 Selection of calendar year price data.
5.6 Publication of season average, calendar year, and parity price data.

AUTHORITY: §§ 5.1 to 5.6 issued under sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301.

§ 5.1 *Parity index and index of prices received by farmers.* The parity index for the purpose of calculating parity prices according to the formula contained in section 301 (a) of the Agricultural Adjustment Act of 1938, as amended by the Agricultural Acts of 1948 and 1949 (hereinafter referred to as section 301 (a)), shall be the index of prices paid by farmers, interest, taxes, and farm wage rates, as revised January 1950 and published by the Bureau of Agricultural Economics in the January 31, 1950 and subsequent issues of the monthly report, "Agricultural Prices." For the purpose of calculating parity prices according to the formula which was in effect prior to January 1, 1950 (and which is applicable to basic commodities until 1954, if higher than the parity price determined by the new formula) as provided for by section 301 (a) (1) (G), and for calculating transitional parity prices for nonbasic commodities, as provided for by section 301 (a) (1) (E), the indexes of prices paid and of prices received, including interest and taxes, shall continue to be calculated using the same weights and formula as were utilized for computing parity prices prior to January 1, 1950. The publication of these indexes by the Bureau of Agricultural Economics in the monthly report, "Agricultural Prices," shall be continued.

The measure of the general level of prices received by farmers as provided for in section 301 (a) (1) (B) (ii) shall be the index of prices received by farmers as revised in January 1950 and published by the Bureau of Agricultural Economics in the January 31, 1950, and subsequent issues of "Agricultural Prices." In constructing this index of prices received by farmers, the straight average of the 120 monthly indexes included in the preceding 10 calendar

(Continued on next page)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

years shall be used in the calculation of the adjusted base prices.

§ 5.2 *New parity indexes.* The new parity index shall be calculated by the same general formula and along the same general line as the parity index which has been used in calculating parity prices since 1933, except that an allowance for cash wages paid hired farm labor shall be added in accordance with section 301 (a) (1) (C). The index shall be revised in accordance with good statistical procedure by bringing the weight pattern up to the immediate pre-war period, by substantially increasing the number of commodities in the index in order to give more complete, more accurate, and more stable measures of prices paid by farmers and by including an allowance of such service rates as electricity and telephone, as provided for in section 301 (a) (1) (C).

The major changes involved in the new index of prices paid are as follows:

(a) In recognition of widespread and extensive changes that have taken place in agricultural technology weights for the various commodities and commodity groups derived from the period 1937–41 have been used in the construction of the index for the period since 1935. For the period prior to 1935 the use of weights derived from the period 1924–29 has been continued, since they are more representative of the period prior to 1935 than weights from the latter period. Certain minor changes have been made in the weights for the period 1924–29 to reflect revised income and expenditure data for that period. The indexes for the several subgroups and for the index as a whole are linked together in March 1935.

659 660

(b) For the period since 1935, series representing cost of telephone service, electricity, and of newspapers have been added to the index in the group covering household operation representing services utilized by farmers.

(c) An additional component to reflect the cost of livestock, principally feeders, bought by farmers for production purposes has been added to the index from 1910 to the present. The addition of this group, along with the services mentioned above and farm wage rates, gives complete coverage of the changes in prices and rates for all the cash expenditures of farmers for which statistically acceptable measures are available.

(d) The number of commodities has been substantially expanded. This expansion gives a more accurate measure of the price changes for the various commodity groups; it does not alter the weighting pattern among the commodity groups.

(e) As required by section 301 (a) (1) (C) an allowance for cash wages paid hired farm labor has been incorporated in the index from 1910 to the present. The official seasonally adjusted index of farm wage rates as published quarterly by the Bureau of Agricultural Economics shall be used for this purpose.

Table 1 summarizes the basic group weights for the index of prices paid by farmers, interest, taxes, and farm wage rates.

TABLE 1—PERCENTAGE WEIGHTS FOR REVISED PARITY INDEX

Commodity group	1924–29 [1]	1937–41
Living	41.2	44.0
Food (including tobacco [2])	14.8	16.7
Clothing	12.5	8.6
Autos and auto supplies	4.5	6.9
Household operation	3.9	5.9
Household furnishings	2.4	4.0
Building materials, house	3.1	1.9
Production	36.4	41.2
Feed	10.1	10.2
Livestock	4.4	5.3
Motor supplies	3.9	5.2
Motor vehicles	3.9	5.2
Farm machinery	3.4	4.5
Building and fencing materials	2.7	2.7
Fertilizer and lime	2.7	3.1
Equipment and supplies	3.3	3.3
Seeds	1.0	1.7
Total commodities	77.6	85.2
Taxes	5.7	3.8
Interest	6.5	3.0
Commodities, interest, and taxes	89.8	92.0
Cash wage rates	10.2	8.0
Commodities, interest, taxes, and cash wage rates	100.0	100.0

[1] Same as weights in the current index except for revisions in expenditure estimates for 1924–29, the inclusion of livestock and wage rates for hired labor, and a few shifts in commodity grouping.
[2] Tobacco included only subsequent to March 1935.

§ 5.3 *Index of prices received by farmers.* The index of prices received by farmers has been revised to make this index correspond with the revised parity index and to meet statutory requirements. Inasmuch as the two indexes are used as companion indexes under the revised parity formula provided for in section 301 (a) (1), it is necessary that they be compiled by substantially the same method. Accordingly, for the period prior to January 1935 weights for the period 1924–29 shall be used for the new prices received index. For the period since 1935 weights for the period 1937–41 have been used. The indexes for the several groups and for the index as a whole have been linked together as of January 1935. Minor changes have been made in the list of commodities included. In addition, since section 301 (a) (1) (B) requires the inclusion of wartime subsidy payments made to producers under programs designed to maintain ceiling prices under the Emergency Price Control Act of 1942, in the 10-year average prices for milk, butterfat, beef cattle, sheep, and lambs, it has been necessary to include these same wartime subsidy payments in the prices used in constructing the index. The base period for this index has been shifted to January 1910–December 1914 from the earlier period August 1909–July 1914, as specified in section 301 (a) (1) (B).

Table 2 summarizes the basic commodity group weights which shall be used in constructing the index of prices received by farmers.

TABLE 2—GROUP WEIGHTS FOR INDEX OF PRICES RECEIVED BY FARMERS [1]

Commodity group	1924–29 weights	1937–41 weights
	Percent	*Percent*
Food grains	8.9	7.1
Feed grains and hay	7.5	6.4
Cotton	12.9	8.4
Tobacco	2.6	3.7
Oil-bearing crops	2.3	3.0
Fruit	6.0	6.2
Truck Crops	3.5	5.0
Other Vegetables	3.3	2.8
All crops	48.0	42.6
Meat animals	26.1	28.6
Dairy products	15.1	17.6
Poultry and eggs	9.9	10.0
Wool	.9	1.2
All livestock and products	52.0	57.4
All farm products	100.0	100.0

[1] The weights used for obtaining the aggregates during the period January 1910–December 1914 are the average quantities sold by farmers for the 6-year period 1924–29. For the period January 1935 to date the weights are 5-year averages of sales by farmers during the period 1937–41. For livestock and livestock products calender year sales were used in computing the averages, while for crops the corresponding crop year sales were used.

For combining the various sub-group indexes into an all crop, on all livestock and livestock products, and an all commodity index, weights are percentages based on average cash receipts received by farmers for the two periods 1924–29 and 1937–41.

§ 5.4 *Marketing season average price data.* It is hereby found that it is impracticable to use averages of prices received by farmers on a calendar year basis for the following agricultural commodities for the purpose of calculating adjusted base prices and, therefore, marketing season average prices will be used:

BASIC COMMODITIES

Tobacco: Flue-cured, types 11–14; fire-cured, types 21–24; burley, type 31; dark air-cured, types 35–36; sun-cured, type 37; Pennsylvania seedleaf, type 41; and cigar filler and binder, types 42–46 and 51–56. The calendar year price for type 46 shall be combined with season average prices for the other types in arriving at the average price for cigar filler and binder types 42–46 and 51–56.

DESIGNATED NONBASIC COMMODITIES

Potatoes; tung nuts; mohair; honey, wholesale comb; and honey, wholesale extracted.

OTHER NONBASIC COMMODITIES

CITRUS FRUIT

Grapefruit, lemons, limes, and oranges.

DECIDUOUS AND OTHER FRUIT

Apples for canning; apples for drying; apricots for fresh consumption; apricots for canning; dried apricots; avocadoes; blackberries; boysenberries; gooseberries; loganberries; black raspberries; red raspberries; youngberries; sour cherries; sweet cherries; cranberries; dates; figs for fresh consumption; figs for canning; dried figs; grapes, dried raisins; grapes, excluding dried raisins; grapes, crushed for wine and brandy; grapes, excluding dried raisins and grapes crushed for wine and brandy; olives, canned; olives, crushed for oil; peaches for fresh consumption; peaches for canning, Clingstone and Freestone; dried peaches; pears for fresh consumption; pears for canning; dried pears; persimmons; pineapples; plums for fresh consumption; plums for canning; pomegranates; prunes for fresh consumption; prunes for canning; dried prunes; strawberries for fresh consumption; and strawberries for processing.

SEED CROPS

Alsike clover, Austrian winter peas, bentgrass, crested wheatgrass, crimson clover, fescues, Ladino clover, orchard grass, redtop, common ryegrass, perennial ryegrass, Sudan grass, sweetclover, common and Willamette vetch, hairy vetch, Hungarian vetch, purple vetch, and white clover.

SUGAR CROPS

Maple sirup, maple sugar, sorghum sirup, sugar beets (including conditional payment under the Sugar Act), sugarcane for sugar (including conditional payment under the Sugar Act), and sugarcane sirup.

TREE NUTS

Almonds; filberts; pecans, seedling; pecans, improved; and walnuts.

VEGETABLES FOR FRESH MARKET

Artichokes, asparagus, lima beans, snap beans, beets, cabbage, cantaloups, carrots, cauliflower, celery, sweet corn, cucumbers, eggplant, garlic, kale, lettuce, onions, green peas, green peppers, shallots, spinach, tomatoes, and watermelons.

VEGETABLES FOR PROCESSING

Asparagus, lima beans, snap beans, beets, cabbage, sweet corn, cucumbers, green peas, pimentos, spinach and tomatoes.

OTHER COMMODITIES

Beeswax; broomcorn; American-Egyptian cotton; hops; dry field peas; peppermint oil; popcorn; spearmint oil; and tobacco, types 61 and 62. All other commodities for which monthly price data are not available.

§ 5.5 *Selection of calendar year price data.* In computing the adjusted base price for those commodities for which calendar year price data are used, "* * * the average of the prices received by farmers for such commodity, at such times as the Secretary may select during each year * * *", as used in section 301 (a) (1) (B) (i), shall be the straight average of the 12 monthly estimates of prices received by farmers as published by the Bureau of Agricultural Economics in "Agricultural Prices" for those commodities for which such prices

are available. Prices received for milk wholesale, butterfat, beef cattle, sheep and lambs shall include wartime subsidy payments as provided by section 301 (a) (1) (B). For Maryland tobacco, type 32, the price data for each calendar year shall be the weighted average price of type 32 tobacco sold during the period January 1–December 31.

§ 5.6 *Publication of season average, calendar year, and parity price data.* New adjusted base prices for all of the commodities on a calendar year basis and for as many of the commodities on a marketing season average basis as are practicable shall be published on or about January 31 of each year. In cases where preliminary marketing season average price data are used in estimating the adjusted base prices published in January, any additional price data which becomes available shall be used in estimating a revised adjusted base price which shall be published prior to the beginning of the marketing season for the commodity.

The official parity prices determined under section 301 (a) (1) and these regulations and the indexes and relevant price data shall be published in the monthly report "Agricultural Prices" issued by the Bureau of Agricultural Economics. The parity prices determined in accordance herewith shall be the parity prices used in other reports, determinations, or documents of the Department.

Done at Washington, D. C., this 10th day of February 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-1324; Filed, Feb. 15, 1950; 8:49 a. m.]

661

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 558, 3d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

ADDITIONAL METHOD OF TREATING COTTONSEED FOR CERTIFICATION UNDER PINK BOLLWORM REGULATIONS

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of the Pink Bollworm Quarantine (7 CFR 301.52), and having determined that facts exist as to pest risk involved which make it safe to modify, by making less stringent, the requirements contained in § 301.52–4 (c), (1) and (2) of the regulations, administrative instructions authorizing methods of treating cottonseed (B. E. P. Q. 558, Revised, 7 CFR 301.52–4a, as amended, 7 CFR 301.52–4a, 14 F. R. 5733) are hereby further amended by redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b) to read as follows:

§ 301.52–4a *Administrative instructions authorizing additional methods of treating cottonseed.* * * *

(b) *Cottonseed from a limited number of the counties in lightly infested area as described in paragraph (a) of this section.* In lieu of the heat treatment upon arrival at designated oil mills or other treating plants prescribed in § 301.52–4 (c) (1) as a condition of certification for interstate movement, to any destination, of cottonseed originating in the counties of Bailey, Baylor, Brown, Callahan, Childress, Cochran, Coleman, Collingsworth, Cottle, Crane, Crosby, Dickens, Donley, Fisher, Floyd, Foard, Garza, Gray, Hale, Hall, Hardeman, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Nolan, San Saba, Scurry, Shackelford, Stonewall, Taylor, Terry, Throckmorton, Upton, Wheeler, Wichita, Wilbarger, and Yoakum, in Texas, the counties of Beckham, Caddo, Greer, Harmon, Jackson, Kiowa, Tillman, and Washita, in Oklahoma, and the counties of Curry, Quay, and Roosevelt, in New Mexico, such cottonseed may be certified after methyl bromide fumigation within the area under the supervision of an inspector in the following manner:

(1) *Equipment.* All-metal freight cars or all-metal trucking vans will be acceptable as fumigation chambers. The floor of the car or van may be of wood of tight construction. The doors must be single doors and not over 7 feet in width. Sisal-kraft paper shall be used to cover wooden floors of cars or vans. Doors and other apertures must be sealed in a manner and with materials as required by the inspector.

Each railway car or trucking van shall be prepared so that air can be withdrawn from beneath the seed and returned to the space above the load. This shall be provided by a dispensable duct system made of 4" downspout perforated at 2" intervals on three sides, laid on the car floor. A portable blower with connecting tubular duct shall be attached to the duct system in the car long enough to provide the required circulation. This blower shall have a capacity of not less than 625 CFM against 5" static pressure, and shall be of a design that can be made gastight. The intake side of the blower shall be connected with the duct outlet extended through a paper grain door (installed in the aperture of the regular door) by means of a 10' length of 6" spiral tubing. A 15' length of 8" spiral tube shall be connected to the exhaust side of blower to return the air to the space above the load.

(2) *Approval.* Any person contemplating the use of railway freight cars or trucking vans as fumigation chambers for use under these instructions should make application to the Bureau of Entomology and Plant Quarantine for approval, and to secure information on specific materials required. This type of fumigation is available to all shippers in the designated counties, but its application will be governed by the trained and competent personnel available that can be assigned to its supervision. Each individual railway car or trucking van must be approved by an inspector of the Bureau of Entomology and Plant Quarantine before loading with cottonseed to be fumigated. Certificates for movement of seed treated by this method will be refused if satisfactory fumigation has not been obtained in accordance with performance test made of the loaded railway car or trucking van.

(3) *Dosage.* The dosage of methyl bromide shall be as follows

At average seed temperatures of 60° F. or above, the dosage shall be 7 pounds of methyl bromide per 1,000 cu. ft. of space in the railway car or trucking van, or with seed temperatures below 60° F. shall be 8 pounds of methyl bromide per 1,000 cu. ft. of space. It shall be loaded in such a way as to leave a two-foot air space above the seed.

The dosage shall be introduced as a gas into the return duct at some point beyond the blower. The gas must be volatilized as it is introduced into the chamber in manner and method required by the inspector.

The exposure period shall be of 24 hours duration, and the railway car or trucking van will not be released until expiration of that period of time.

These instructions shall be effective February 16, 1950.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 316; 7 U. S. C. 141, 143, 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

This amendment provides an additional method of fumigating cottonseed after loading in all-metal freight cars or all-metal trucking vans. It thus relieves restrictions heretofore imposed. The area designated in the proposed amendment now has stored in it some 300,000 tons of cottonseed which must be subjected to treatment before it will be eligible for free movement. None of the treatments thus far approved are adequate to meet this situation. Because of this emergency it is necessary that the new method of treatment authorized in this amendment be made immediately available for use by interested shippers. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found, upon good cause, that notice and public procedure on this amendment are impracticable and contrary to the public interest, and good cause is found for the issuance of the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 8th day of February 1950.

[SEAL] AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 50-1322; Filed, Feb. 15, 1950; 8:49 a. m.]

663

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5392]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PAUL UNGER TRADING AS CELLO-NU PRODUCTS

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or*

merits; § 3.30 *Composition of goods;* § 3.90 *History of product or offering;* § 3.135 *Nature;* § 3.170 *Qualities or properties of product or service;* § 3.280 *Unique nature or advantages.* In connection with the offering for sale, sale or distribution in commerce of paints and related products designated "Plasti-Cote" and "Cello-Nu", or any other product or products of substantially similar composition, whether sold under the same name or under any other name, representing, directly or by implication, (a) that any of said products are "miracle" or "amazing" paints, or that they differ substantially, either in composition or otherwise, from many other good quality paints on the market; (b) that any of said products are the result of or constitute new discoveries; (c) that any of said products have the same chemical properties, natural consistency or firmness as molded plastic products; (d) that any of said products will fill all cracks and imperfections in a surface to which they are applied, or that one coat of any of said products is equivalent to any multiple number of coats of other good quality paints, or will adequately cover a surface; (e) that any of said products will produce a "lifetime" finish or a finish that will last for any substantial period of time beyond that which may be expected from other good quality paints; (f) that any of said products will provide a finish which is fade-proof or waterproof, or one which will not crack, blister or peel or which will hold its color and luster under all conditions; (g) that any of said products will render brick or masonry walls impermeable to water or moisture, or that they will waterproof basements or stop water seepages; (h) that any of said products will lock in the alkalies or cause the component parts of masonry to which they are applied to consolidate into one single mass; or, (i) that the use of any of said products is more economical than the use of other good quality paints or enamels; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Paul Unger, trading as Cello-Nu Products, Docket 5392, December 20, 1949]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondent's amended answer thereto, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision, and written brief in support of the complaint (no brief having been filed on behalf of the respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent, Paul Unger, has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Paul Unger, individually and trading as Cello-Nu Products, or trading under any other name or through any corporate or other device, and said respondent's agents, representatives and employees, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of paints and related products designated "Plasti-Cote" and "Cello-Nu", or any other product or products of substantially similar composition, whether sold under the same name or under any other name, do forthwith cease and desist from representing, directly or by implication:

(a) That any of said products are "miracle" or "amazing" paints, or that they differ substantially, either in composition or otherwise, from many other good quality paints on the market;

(b) That any of said products are the result of or constitute new discoveries;

(c) That any of said products have the same chemical properties, natural consistency or firmness as molded plastic products;

(d) That any of said products will fill all cracks and imperfections in a surface to which they are applied, or that one coat of any of said products is equivalent to any multiple number of coats of other good quality paints, or will adequately cover a surface;

(e) That any of said products will produce a "lifetime" finish or a finish that will last for any substantial period of time beyond that which may be expected from other good quality paints;

(f) That any of said products will provide a finish which is fade-proof or waterproof, or one which will not crack, blister or peel or which will hold its color and luster under all conditions;

(g) That any of said products will render brick or masonry walls impermeable to water or moisture, or that they will waterproof basements or stop water seepages;

(h) That any of said products will lock in the alkalies or cause the component parts of masonry to which they are applied to consolidate into one single mass;

(i) That the use of any of said products is more economical than the use of other good quality paints or enamels.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: December 20, 1949.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-1336; Filed, Feb. 15, 1950; 8:56 a. m.]

664

[Docket 5676]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MIDLAND LABORATORIES

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service;* § 3.195 *Safety;* § 3.280 *Unique nature or advantages.* In connection with the offering for sale, sale or distribution in commerce of insecticides designated "Mill-O-Cide" and "Mill-O-Cide Concentrate", or any other preparation or preparations of substantially similar composition or properties, whether sold under the same names or under any other names, representing, directly or by implication, (a) that any of said preparations, when used as directed, will kill all insects in any stage of life; (b) that any of said preparations are not toxic to humans or warm-blooded animals, without qualifying the representation in each instance, in immediate conjunction or connection therewith, in letters of equal size and conspicuousness, to clearly indicate that the preparations must be used as directed; (c) that the use of any of said preparations will not create a fire hazard, without qualifying the representation in each instance, in immediate conjunction or connection therewith, in letters of equal size and conspicuousness, to clearly indicate that the preparations must be used as directed; (d) that any of said preparations may be sprayed directly on food products without leaving an odor or taste; (e) that insects invading a storeroom or other enclosure within any particular time after it has been sprayed with any of said preparations will be killed or repelled; or (f) that pyrethrum is the only insecticide which is safe for use around food products; prohibited, subject to the provision, however, that prohibition (a) shall not prohibit the representation that such preparations will kill insects in any stage of life which they actually contact.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Midland Laboratories, Docket 5676, December 27, 1949]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondent's amended answer thereto, and a stipulation as to the facts entered into by and between the respondent and Daniel J. Murphy, Assistant Chief Trial Counsel of the Commission, which stipulation provides, among other things, that without further evidence or other intervening procedure the Commission may proceed upon the complaint, amended answer, and stipulation to make its report, stating its findings as to the facts, including inferences which it may draw from the facts admitted in the stipulation, and its conclusion based thereon, and enter its order disposing of this proceeding without the presentation of argument or the filing of briefs; and the Commission, having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Midland Laboratories, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of insecticides designated "Mill-O-Cide" and "Mill-O-Cide Concentrate", or any other preparation or preparations of substantially similar composition or properties, whether sold under the same names

or under any other names, do forthwith cease and desist from representing, directly or by implication:

(a) That any of said preparations, when used as directed, will kill all insects in any stage of life: *Provided, however,* That this shall not prohibit the representation that such preparations will kill insects in any stage of life which they actually contact;

(b) That any of said preparations are not toxic to humans or warm-blooded animals, without qualifying the representation in each instance, in immediate conjunction or connection therewith, in letters of equal size and conspicuousness, to clearly indicate that the preparations must be used as directed;

(c) That the use of any of said preparations will not create a fire hazard, without qualifying the representation in each instance, in immediate conjunction or connection therewith, in letters of equal size and conspicuousness, to clearly indicate that the preparations must be used as directed;

(d) That any of said preparations may be sprayed directly on food products without leaving an odor or taste;

(e) That insects invading a storeroom or other enclosure within any particular time after it has been sprayed with any of said preparations will be killed or repelled;

(f) That pyrethrum is the only insecticide which is safe for use around food products.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: December 27, 1949.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-1335; Filed, Feb. 15, 1950; 8:56 a. m.]

665

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5772]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

CLAIMS FOR REFUND BY TAXPAYERS

PARAGRAPH 1. Section 29.322-3 of Regulations 111, as amended by Treasury Decision 5680, approved December 24, 1948 (26 CFR 29.322-3), is further amended as follows:

(A) By striking out "as provided in this section" in the first sentence and inserting in lieu thereof the following: "or an amended return".

(B) By striking from the second sentence of the second paragraph the following: "and under oath".

(C) By inserting immediately after such second sentence of the second paragraph the following: "The statements of the grounds and facts must be under oath or verified by a written declaration that they are made under the penalties of perjury."

(D) By revising the sentence in the second paragraph which begins with the words "If the taxpayer elects" to read as follows: "If the taxpayer elects to have all or part of the overpayment shown by his income tax return applied to his estimated tax for his succeeding taxable year, no interest shall be allowed on such portion of the overpayment credited and such amount shall be applied as a payment on account of the estimated tax for such year or the installments thereof."

(E) By striking out the sentence in the second paragraph which begins with the expression "If the taxpayer desires".

PAR. 2. Inasmuch as the amendments made by this Treasury decision merely relieve taxpayers from a limitation applicable under existing regulations, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat., 32; 26 U. S. C. 62)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: February 10, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-1333; Filed, Feb. 15, 1950; 8:57 a. m.]

666

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5771]

PART 194—WHOLESALE AND RETAIL DEALERS IN LIQUORS

MISCELLANEOUS AMENDMENTS

1. Regulations 20 (26 CFR, Part 194), relating to dealers in liquors, approved June 6, 1940, as amended through April 30, 1949, is hereby further amended in these respects:

Section 194.41 (c) is revoked; and §§ 194.19 (a), 194.19 (c), 194.41 (b), and 194.49, are amended to read as follows:

§ 194.19 *Sales of wine and malt liquors at fairs, picnics and similar entertainments.* (a) Each person desiring to sell fermented malt liquor or wine, or both, at retail to members, guests, or patrons of bona fide fairs, reunions, picnics, carnivals, or similar outings, and each fraternal, civic, church, labor, charitable, benevolent, or ex-service men's organization desiring to sell fermented malt liquor or wine, or both, on the occasion of any kind of entertainment, dance, picnic, bazaar, or festival held by it, may obtain from the collector for each calendar month for which any such sales are to be made (1) a retail dealer in malt liquor limited special tax stamp, if fermented malt liquor only is to be sold, or (2) a retail dealer in liquors limited special tax stamp, if wine only, or wine and fermented malt liquor only are to be sold. Application on Form 11, Special Tax Return, and payment of the special tax of $2.20 shall be made to the collector before any such sales are made.

(c) A person holding a limited ($2.20) special tax stamp as a retail dealer in liquors or as a retail dealer in malt liquors may, during the calendar month for which the stamp is issued, remove his business to a location other than that stated on the stamp and continue such business for the residue of the calendar month without paying additional special tax, provided the removal is registered with the collector, as provided in § 194.56.

(Interprets or applies 53 Stat. 388, as amended, 396, 26 U. S. C. 3250, 3280)

§ 194.41 *Data required.* * * *

(b) The return of an individual proprietor shall be signed by the proprietor; the return of the partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by an officer thereof. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," or in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. Returns signed by persons as agents will not be accepted unless they file with the collector a power of attorney, authorizing them so to act. Form 11 shall contain or be verified by a written declaration that it is made under the penalties of perjury: *Provided,* That until Form 11 is officially revised to contain such written declaration, and the revised form made available for use, the certification prescribed by the July 1949 revision of the form shall be made in lieu of such declaration.

(Interprets or applies 53 Stat. 394, 26 U. S. C. 3270)

§ 194.49 *Stamps for drug stores and pharmacies selling through licensed pharmacists.* Proprietors of drug stores and pharmacies making sales of distilled spirits through duly licensed pharmacists, may procure stamps designated "Medicinal Spirits Stamp Tax" upon application and payment of special tax at the $27.50 annual rate. The holders of such stamps are subject to all provisions of internal revenue laws relating to retail liquor dealers. Collectors shall, in the absence of specific demand or application for such stamps, issue the regular retail liquor dealer special tax stamp.

(Interprets or applies 53 Stat. 388, as amended; 26 U. S. C. 3250)

2. It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C., 1001 et seq.), is unnecessary in connection with the issuance of these regulations for the reason that the changes bring certain tax rates into conformity with existing law and relieve a restriction now imposed by the regulations.

3. The purposes of these amendments are (1) to correct the rate of the limited special tax stamp required of certain dealers in liquors, (2) to correct the annual rate for stamps for drug stores and

pharmacies selling through licensed pharmacists, (3) to revoke the requirement that Special Tax Return, Form 11, be made under oath, and (4) to require that Special Tax Return, Form 11, shall contain or be verified by a written declaration that it is made under the penalties of perjury pursuant to section 3809, I. R. C. as added by section 4 of the act of August 27, 1949 (Pub. Law 271). Provision is made for the continued use of the July 1949 revision of Form 11 until such form is officially revised and made available.

4. This Treasury decision shall be effective immediately.

(58 Stat. 875, 467; 26 U. S. C. 3176, 3791)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: February 10, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-1334; Filed, Feb. 15, 1950; 8:57 a. m.]

661

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 778—OVERTIME COMPENSATION

Correction

In F. R. Document 50-973, appearing at page 623, for the issue of Saturday, February 4, 1950, make the following changes:

1. On page 623, column 3, change the fourth and fifth lines of footnote 5 to read, "on August 6, 1948, 13 F. R. 4534, and June 8, 1949, 14 F. R. 3077."

2. On page 627, column 1, in the seventh line of the last paragraph, insert the word "to" between "rate paid" and "an employee".

3. On page 637, column 1, insert in the second sentence of footnote 48, the word "annual" between "guaranteed" and "wage".

4. On page 639, column 3, § 778.19 (e), line 6, insert "(as under section 7 (d) (5)) or for work 'on special days'" after the word "hours".

668

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

APPOINTMENT OF OFFICERS IN JUDGE ADVOCATE GENERAL'S DEPARTMENT RESERVE, U. S. AIR FORCE RESERVE; INACTIVE DUTY TRAINING PAY AND ALLOWANCES

1. Sections 861.405 and 861.409 (a) (1) and (2), (14 F. R. 7346, 7347), are rescinded and the following substituted therefor:

§ 861.405 *Waivers of age and professional requirements.* Waivers of age, professional qualifications or other requirements, except physical, may be granted by The Judge Advocate General, United States Air Force, or by the Air Judge Advocate, Continental Air Command, where demonstrated military or civilian training and experience justify such waivers.

§ 861.409 *Appointment and assignment*—(a) *Continental Air Command.* Upon recommendation of his Air Judge Advocate or The Judge Advocate General, United States Air Force, the Commanding General, Continental Air Command, is authorized to tender appointments, by direction of the President, or to issue orders of assignment in the Judge Advocate General's Department Reserve of the United States Air Force Reserve to eligible applicants.

* * * * *

[AFR 45-24A] (Sec. 37, 39 Stat. 189 as amended; 10 U. S. C. 351-353)

2. Paragraph (d) is added to § 861.1101 as follows:

§ 861.1101 *Policy.* * * *

(d) *Uniform.* As a prerequisite to be eligible to receive inactive duty training pay, individuals referred to in this section will wear the proper uniform while participating in training for which pay is authorized.

* * * * *

[AFR 45-10A] (Sec. 3, 62 Stat. 88; 37 U. S. C. Sup. II, 114)

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force, Air Adjutant General.

[F. R. Doc. 50-1301; Filed, Feb. 15, 1950; 9:05 a. m.]

669

PART 861—OFFICERS' RESERVE

ADDITION OF REGULATIONS

Sections 861.1151 to 861.1172 are added to Part 861 as follows:

SHORT TOURS OF ACTIVE DUTY FOR TRAINING OF INDIVIDUALS AND UNITS

Sec.
861.1151 Purpose.
861.1152 Duration of tours.
861.1153 Place of duty.
861.1154 Eligibility for training.
861.1155 Reenlistment of enlisted Reservists.
861.1156 Employees of the United States Government or District of Columbia.
861.1157 Authority to issue orders.
861.1158 Application.
861.1159 Physical examination.
861.1160 Waivers of physical defects.
861.1161 Reservists physically disqualified.
861.1162 Travel.
861.1163 Leave.
861.1164 Supply.
861.1165 Attachments.

SPECIAL SHORT TOURS OF ACTIVE DUTY FOR MEDICAL AND DENTAL OFFICERS

861.1166 General.
861.1167 Eligibility.
861.1168 Grade.
861.1169 Limitations
861.1170 Application.
861.1171 Physical qualifications.
861.1172 Issuance of orders.

AUTHORITY: §§ 861.1151 to 861.1172 issued under sec. 4, 6, 62 Stat. 89, 91; 10 U. S. C. Sup. II, 422; 5 U. S. C. Sup. II, 626k.
DERIVATION: AFR 45-48.

SHORT TOURS OF ACTIVE DUTY FOR TRAINING OF INDIVIDUALS AND UNITS

§ 861.1151 *Purpose.* Sections 861.1151 to 861.1165 establish the qualifications of officer and enlisted personnel, male and female (other than general officers), of the U. S. Air Force Reserve who may be recalled to active duty for short tours for individual training, attendance at schools, and training with units; and establishes the procedures relating to the issuance of orders for such training. (See also §§ 861.1166 to 861.1171 for special short tours of active duty for medical and dental officers.

§ 361.1152 *Duration of tours.* A short tour of active duty for training purposes, except as provided in paragraphs (a) and (b) of this section, will be of 15 consecutive days' duration, including travel time. In order to train as many Reservists as possible with the limited amount of funds available, no Reservist will be granted more than one short tour of active duty during any fiscal year: *Provided*, That a Reservist may, within the same fiscal year, be ordered to attend a school in addition to one short tour of active duty not exceeding 15 consecutive days. However, no Reservist will perform such short tours of active duty consecutively.

(a) *Special tours.* Only upon the specific approval of Headquarters United States Air Force, may Reservists be ordered to active duty for training purposes (schools excluded) for more than 15 consecutive days but less than 90 consecutive days during any fiscal year. Such tours must be in connection with a project relating to the Reserve program and must benefit the U. S. Air Force Reserve. Approval of requests for these tours will be granted only if no other officers on extended active duty are available for and capable of performing the duties required to be performed by such Reservists.

(b) *Attendance at schools.* Normally, Reservists ordered to attend schools will be ordered to active duty for a period not to exceed 90 consecutive days, including travel time. However, because of the travel time involved in certain cases and the variance in the length of some courses, Reservists may be authorized active duty of sufficient length to complete the course or courses for which application is made, including travel time.

(c) *Training with a Reserve unit.* The duration of active duty tours of Reservists ordered to active duty for training purposes with a Reserve unit will not exceed 15 consecutive days during any fiscal year. Any Reservist so ordered to active duty will not be entitled to another short tour of active duty for training purposes, within the same fiscal year, except for attendance at a school.

§ 861.1153 *Place of duty.* All Reservists ordered to active duty for a short tour will perform duty at the place to which assigned, unless otherwise ordered by the commanders listed in § 861.1157 (a), or unless otherwise required to permit the Reservists to maintain flying proficiency.

§ 861.1154 *Eligibility for training.* All officer and enlisted personnel, male and

female, of the U. S. Air Force Reserve, except the following, will be eligible for short tour active duty training:

(a) Members of the Voluntary Air Reserve.

(b) Female personnel with dependents under 18 years of age. (The fact that such personnel do not have legal custody of the dependents does not remove this disqualification.)

(c) Members of the Air National Guard of the United States.

(d) Reservists who are drawing a pension, disability allowance, or disability compensation and who have not waived such pension, allowance, or compensation. (Such a waiver will be executed in accordance with the provisions of § 861.1158 (c).)

(e) Reservists drawing retired pay from the Government of the United States. (Retired pay may not be waived.)

(f) Officers of the U. S. Air Force Reserve currently serving in warrant or enlisted status in the United States Air Force.

(g) Officers of the Inactive Air Reserve.

(h) Officers on the Honorary Air Reserve List.

(i) Officer and enlisted Reservists whose appointment or enlistment will expire prior to the completion of a tour of duty. (See § 861.1155 for authority to re-enlist personnel falling within this category.)

§ 861.1155 *Re-enlistment of enlisted Reservists.* For the purpose of qualifying enlisted Reservists disqualified under the provisions of § 861.1154 (i), the commanders listed in § 861.1157 (a) are authorized to discharge such enlisted Reservists prior to the expiration of enlistment for the purpose of re-enlisting them to qualify for active duty training.

§ 861.1156 *Employees of the United States Government or District of Columbia.* A civilian employee of the Federal Government will not be ordered to active duty training to perform the same or similar duties to those he performs in his civilian capacity.

§ 861.1157 *Authority to issue orders*—(a) *Individuals.* The Chief of Staff, United States Air Force, commanders of major air commands, numbered air forces of Continental Air Command, and oversea commands and commanders of wing-base organizations or their equivalent are authorized to order Air Force Reserve personnel assigned to their commands (except general officers), with the consent of such personnel, to active duty for short tours for training purposes within quotas prescribed by the Chief of Staff, United States Air Force, and within the limitations prescribed herein. General officers will be ordered for short tours of active duty training only by Headquarters United States Air Force.

(b) *Units.* The commanders listed in paragraph (a) of this section, are authorized to order personnel comprising Reserve units to active duty for training purposes for a period not to exceed 15 consecutive days during any fiscal year.

§ 861.1158 *Application.* Each individual Reservist desiring a short tour of active duty for training purposes will submit a letter application, in duplicate, requesting such duty, using § 861.1165 (a) as a guide. The application must be complete, and will be submitted to the unit of assignment in sufficient time to insure its receipt thereat not later than 45 days prior to the expected effective date of active duty. Such application will be forwarded as follows:

(a) *Reservists assigned to a Mobilization Assignment Reserve Section.* Reservists assigned to a Mobilization Assignment Reserve Section will forward their applications through the Mobilization Assignment Reserve Section to the organization, unit, or headquarters with which they perform mobilization training duty.

(b) *Reservists assigned to an Air Force Reserve Training Center or Corrolary unit.* Reservists assigned to Air Force Reserve Training Centers or Corrolary units will forward their application through the appropriate Reserve organization commander and the commander of the Regular establishment unit or headquarters supervising the training of such Reservists.

(c) *Reservists who are drawing pension, etc.* Reservists who are drawing pension, disability allowance, or disability compensation must waive such pension, allowance, or compensation prior to entry on active duty. Prior to making application for active duty, these personnel will notify the appropriate Veterans' Administration regional office in writing of their desire to waive such pension, allowance, or compensation for the purpose of entering upon active duty. A copy of that letter must be inclosed with the application for active duty. Upon receipt of orders for active duty, Reservists will forward a copy of the orders to the appropriate Veterans' Administration regional office, for the purposes of suspending payment of the pension, allowance, or compensation for the period of active duty involved.

§ 861.1159 *Physical examination*—(a) *Physical requirements.* All applicants for active duty must be physically qualified for active military service and must meet the appropriate physical requirements prescribed by current directives.

(b) *For tours not in excess of 30 days.* Reservists selected for short tours of active duty for periods not in excess of 30 days will be ordered to active duty without prior physical examination, except as provided in paragraph (d) of this section.

(c) *For tours in excess of 30 days.* Reservists applying for short tours of duty for periods in excess of 30 days will be required to undergo a final-type physical examination without expense to the Government for travel or pay. This examination will be accomplished not more than 90 days from, and not less than 45 days prior to, the expected date of entry on active duty. It may be performed at the military medical installation nearest the Reservist's place of residence having the facilities to accomplish such an examination.

(d) *Action to be taken upon reporting.* Upon reporting for active duty, each Reservist, if he honestly considers himself qualified for full military duty, will execute, in duplicate, a typewritten certificate exactly as shown in § 861.1165 (b) (1). If he does not consider himself so qualified and, therefore, cannot conscientiously execute the certificate, he will be ordered by the commander of the base at which training is to be accomplished to submit to a final-type physical examination. In any event, if a Reservist upon reporting for active duty possesses an obvious physical disability, is ill, has been injured in any way since last taking a final-type physical examination, or is drawing a pension, disability allowance, or disability compensation, he must submit to a final-type physical examination.

(e) *Action to be taken upon relief.* Upon relief from active duty, each Reservist will execute a typewritten certificate exactly as shown in § 861.1165 (b) (2). However, if the Reservist believes that his physical condition has materially changed during his active duty tour, or if he is suffering from any disability or defect that was not present at the beginning of his tour, he will be ordered by the commander of his training station to submit to a final-type physical examination. If this examination is made, particular attention will be given to recording the defects or conditions which have arisen during his tour of duty as they may form the basis of a claim against the Government.

(f) *Inapplicable portions of final-type physical examination.* Unless his or her physical condition indicates the necessity therefor, a Reservist who is required to submit to a final-type physical examination will not be required to undergo serology, chest X-ray, electrocardiogram, audiogram, microscopic urinalysis, or lens correction examination, or pelvic examination in the case of female personnel.

(g) *Injury, disease, death, or hospitalization.* Appropriate Air Force Regulations will apply in the event of injury, disease, death, or hospitalization.

§ 861.1160 *Waivers of physical defects*—(a) *Authority to approve.* The commanders mentioned in § 861.1157 (a) are authorized to approve waivers of physical defects if a Reservist is found to be below the prescribed physical standards for general service, as outlined in applicable regulation. Due consideration will be given to the granting of waivers for physical defects which in the opinion of the reviewing authority:

(1) Are static in nature.

(2) Are not subject to complications or aggravation by reason of military duty.

(3) Will not interfere with the satisfactory performance of full military duty.

(4) Will not involve hospitalization and/or time lost from duty.

(5) In the case of rated personnel, will in no way compromise performance of unlimited flying duty, flying safety, or the person's own well-being.

(b) *Personnel granted waivers.* Reservists granted waivers for physical defects under the provisions of paragraph (a) of this section, will be considered as falling within the physical classification of "General Service with Waiver."

(c) *Personnel presenting questionable defects.* Individuals presenting defects which, in the opinion of the reviewing authority, are questionable in nature with regard to criteria outlined in paragraph (a) of this section may be forwarded to the next higher headquarters for decision.

§ 861.1161 *Reservists physically disqualified.* Reservists on active duty who undergo a physical examination and who are found physically disqualified will be relieved from active duty by the commander of the base where physical examinaiton is taken, if waiver of physical defect is not approved by the reviewing authority.

§ 861.1162 *Travel.* Additional travel time required to travel by privately owned automobile over that required to travel by normal surface common carrier is not authorized. Active duty orders will not authorize travel by privately owned automobile. This will not be interpreted as prohibiting travel by privately owned vehicle if the person so desires and if no delay in reporting for duty is occasioned thereby.

§ 861.1163 *Leave.* Reservists ordered to active duty for 30 days or more are authorized leave as indicated in current directives.

§ 861.1164 *Supply.* Necessary clothing and individual equipment for enlisted Reservists will be furnished as prescribed in current directives.

§ 861.1165 *Attachments*—(a) *Letter of application.*

(Grade) (Name) (AFSN)

(Street Address)

(City and State)

(Date)

Subject: Active Duty.

To:

1. Request that I be placed on active duty, effective ----------, for the purpose
(Date)
of ----------

2. The following information is hereby furnished to assist you in processing this application:

a. Name, grade, and AFSN.
b. Permanent residence address.
c. Current home address or mailing address (if different from b above).
d. Aeronautical rating.
e. Flying status.
f. Service for longevity (to closest number of years).
g. Race.
h. Primary SSN: ----------; Additional SSNs: ----------
i. Date of last period of extended active duty, active duty training, or school training* ----------; Authority for the active duty: ----------
j. Current Reserve assignment: ---------- per ----------
k. I (am) (am not)** drawing a pension, disability allowance, or disability compensation from the United States Government.
l. Remarks: ----------

(Signature)

*Whichever is the later.
**Strike out words not applicable.

(b) *Medical certificates*—(1) *Medical Certificate No. 1.*

(Date)

I certify that I now consider myself sound and well and physically qualified for military duty; that I was considered physically qualified for military service at the time of accomplishment of my last physical examination on or about ----------
(Date)
at ----------; and that
(Place)
to the best of my knowledge and belief, I have no physical defects or conditions, except as noted below, which would preclude the performance of full military duty.

(Signed) ----------

(2) *Medical Certificate No. 2.*

(Date)

I certify that during the period of active duty training from ----------
(Date)
to ---------- there has been no
(Date)
change in my physical condition and that I am not suffering any disability, defect, or illness which was not present at the beginning of the tour of duty.

(Signed) ----------

SPECIAL SHORT TOURS OF ACTIVE DUTY FOR MEDICAL AND DENTAL OFFICERS

§ 861.1166 *General.* Sections 861.1166 to 861.1172 set forth the procedure whereby doctors of medicine and dentistry who are United States Air Force Reserve officers may be called to active duty to fill vacancies in Air Force base medical activities. Where the vacancy and need exist, arrangements may be made at base level for intermittent service—on a certain day or on certain days each week for example—such arrangements being adaptable to the requirements of the person's civilian practice.

§ 861.1167 *Eligibility.* To be eligible to participate in this program, the persons must be medical or dental officers in the United States Air Force Reserve. Those desiring to participate who are not so commissioned may apply for appointment in the United States Air Force Reserve under existing regulations. Eligibility provisions of §§ 861.1154 (d) and (e), 861.1156, 861.1160 and 861.1161 are applicable.

§ 861.1168 *Grade.* Officers selected for active duty under the provisions of §§ 861.1166 to 861.1172 will be called to active duty in the grade in which currently commissioned in the United States Air Force Reserve.

§ 861.1169 *Limitations*—(a) *Existing vacancies.* An officer will be placed on active duty under the authority of §§ 861.1166 to 861.1172 only to fill an actual requirement within the total medical or dental authorizations for the medical activity concerned.

(b) *Length.* In no case will any individual tour of duty exceed 29 consecutive days. The cumulative total will not exceed 90 days in any one fiscal year.

(c) *Travel.* No compensation for travel to duty station will be paid to any officer ordered to active duty under this authority. Transportation of dependents and household goods is not authorized.

(d) *Leave.* Persons ordered to active duty under this authority will not be granted leave or paid compensation in lieu thereof.

§ 861.1170 *Application.* Persons desiring active duty under the provisions of §§ 861.1166 to 861.1172 will submit a typewritten letter application, in duplicate, requesting such duty (using § 861.1165 (a) as a guide) to the base commander of the base at which duty is desired, indicating in the "Remarks" item the days the applicant will be available for duty.

§ 861.1171 *Physical qualifications.* Physical qualifications will be determined under the provisions of § 861.1159.

§ 861.1172 *Issuance of orders.* Orders for these special short tours of active duty may be issued by the commander of the base at which duty is desired, provided that such orders have been authorized by the commander of the Regular establishment organization required to maintain the applicant's field personnel records.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 50-1300; Filed, Feb. 15, 1950; 8:56 a. m.]

673

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter V—Department of State

[FLC Reg. 8, Amdt. 5; Dept. Reg. 108.100]

PART 508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO THE UNITED STATES

Section 508.15 of FLC Regulation 8, as amended (Departmental Regulation 108.93, 14 F. R. [illegible]), is hereby amended further so that the section will read as follows:

§ 508.15 *Importations into United States.* Surplus property sold in foreign areas by the Government or any agency thereof before July 1, 1949, shall not be imported into the United States in the same or substantially the same form in which it was exported from the United States if such property was originally produced in the United States and is readily identifiable as such, except to the extent that the Secretary of Commerce or his delegated representative specifically authorizes such importation upon determination that the importation would relieve domestic shortages or otherwise be beneficial to the economy of this country; *Provided, however,* That the prohibition of this section shall not apply to the importation of such property (a) for the purpose of reconditioning for re-export, or (b) by a veteran (or member of the Armed Forces) upon certification by him that the importation is being made for his personal use, or (c) if sold primarily for and imported for use as scrap metal and the importer furnishes an undertaking in a form and an

amount to be prescribed by the Treasury Department to insure that none of the property will be diverted from use as scrap metal. Nothing in this section shall prevent the importation of property in transit to a point in the United States on or before June 30, 1949, in accordance with the provisions of FLC Regulation 8, Order 6 (14 F. R. 1283); *Provided further*, That, for the purpose of this section, foreign areas shall not include Guam or other Pacific insular possessions. Nothing in this section shall prevent surplus property which is owned by a Government agency from being brought into the continental United States, its territories or possessions.

(Sec. 1, 60 Stat. 754; 50 U. S. C. App. 1619. Interpret or apply 58 Stat. 766, as amended; 50 U. S. C. 1611–1630, 1632–1646)

This order shall become effective upon publication in the FEDERAL REGISTER.

For the Secretary of State.

[SEAL] JOHN E. O'GARA,
Acting Assistant Secretary for Economic Affairs.

FEBRUARY 10, 1950.

[F. R. Doc. 50–1331; Filed, Feb. 15, 1950; 8:56 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR, Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

New Hampshire Association for the Blind, 155½ North Main Street, Concord, New Hampshire; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1950, and expires December 31, 1950.

Springfield Goodwill Industries, Inc., 139 Lyman Street, Springfield, Massachusetts; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1950, and expires July 31, 1950.

Baltimore Goodwill Industries, 201 S. Broadway, Baltimore, Maryland; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective January 25, 1950, and expires November 30, 1950.

Lancaster County Branch Pennsylvania Association for the Blind, 506 W. Walnut Street, Lancaster, Pennsylvania; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher; certificate is effective January 25, 1950, and expires December 31, 1950.

The Volunteers of America, 328 Chestnut Street, Philadelphia, Pennsylvania; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher; certificate is effective January 25, 1950, and expires October 31, 1950.

Goodwill Industries of Akron, Inc., 119 North Howard Street, Akron, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 45 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 6, 1950 and expires December 31, 1950.

Volunteers of America, 1432 First St., Detroit 26, Michigan, at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1950, and expires January 31, 1951.

Goodwill Industries, 1817 Campbell Street, Kansas City, Missouri, at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 35 cents per hour for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1950, and expires September 30, 1950.

Goodwill Industries of Corpus Christi, 1302 Leopard Street, Corpus Christi, Texas, at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher; certificate is effective January 25, 1950, and expires December 31, 1950.

Little Rock Goodwill Industries, Inc., 1201 West 7th Street, Little Rock, Arkansas; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents per hour, whichever is higher; certificate is effective January 25, 1950, and expires April 30, 1950.

Fort Worth-Tarrant County Association for the Blind, 428 South Lake, Fort Worth, Texas; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher; certificate is effective January 25, 1950, and expires April 30, 1950.

St. Joseph County Goodwill Industries, Inc., 316 Chapin St., South Bend 19, Indiana; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher; certificate is effective February 15, 1950, and expires October 31, 1950.

Goodwill Industries of Ft. Wayne, Ind., Inc., 112 E. Columbia St., Ft. Wayne, Indiana; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents per hour, whichever is higher; certificate is effective February 15, 1950, and expires October 31, 1950.

Minnesota Homecrafters, Inc., 1719 W. Superior St., Duluth 6, Minnesota; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective March 1, 1950, and expires January 31, 1951.

Minnesota Homecrafters, Inc., 2624 Hennepin Avenue, Minneapolis 8, Minnesota; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective March 1, 1950, and expires January 31, 1951.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational or rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 8th day of February 1950.

RAYMOND G. GARCEAU,
Director,
Field Operations Branch.

[F. R. Doc. 50-1302; Filed, Feb. 15, 1950; 9:05 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6268]

WISCONSIN MICHIGAN POWER CO.

ORDER TO SHOW CAUSE AND SETTING HEARING

FEBRUARY 9, 1950.

Wisconsin Michigan Power Company ("Wisconsin Company") a corporation organized under the laws of the State of Wisconsin is engaged in the business of generating, transmitting, distributing, and selling at wholesale electric energy within and between the States of Wisconsin and Michigan. On December 15, 1937, this Commission, in connection with a proposed merger of facilities, found and determined Wisconsin Company to be a "public utility" within the meaning of and subject to the requirements of Part II of the Federal Power Act. (Docket No. IT-5497, 1 FPC 699.) Wisconsin Company did not seek judicial review of the Commission's determination, nor has it at any time to the present date denied that it continues to be a "public utility."

Wisconsin Company is also a licensee under Part I of the act as holder of a license issued by this Commission for Project No. 1759.

Since early 1938, Wisconsin Company has had schedules of rates and charges continuously on file with this Commission for the sale at wholesale of electric energy to Wisconsin Public Service Corporation, the cities of Kaukauna, Menasha, Shawano, New London, and Clintonville, Wisconsin, and Upper Peninsula Power Company, of Michigan, or predecessor electric utilities, among others, and since 1947 has had schedules of rates and charges on file for Oconto Electric Cooperative, pursuant to the requirements of section 205 of the Federal Power Act and applicable rules and regulations thereunder. During the years since 1938, Wisconsin Company has filed supplements to the rate schedules for the sale of electric energy to the aforenamed customers and in connection therewith has requested authority, which was granted, to make such supplements effective through waiver of the statutory requirement for notice, all pursuant to section 205 of the Federal Power Act and the Commission's rules thereunder. Beginning September 2, 1938, and semi-annually thereafter, in reports filed with this Commission, Wisconsin Company has treated the sales to the above customers as being subject to the jurisdiction of this Commission, describing the sales to the above customers as part of its operations in the transmission and sale of electric energy in interstate commerce.[1] (Letters filed September 6, 1938, February 20, 1939, September 5, 1939, March 2, 1940, August 28, 1940, March 3, 1941, September 2, 1941, March 2, 1942.)

On April 8, 1949,[2] Wisconsin Company submitted for filing proposed supplements to its rate schedules for sales to the above-named customers, whereby Wisconsin Company, through revision of the fuel adjustment clause, proposed to increase the rates and charges by approximately $84,000 or 10.3% annually, based on 1948 sales.

By order issued May 6, 1949, in Docket No. E-6213, the Commission, upon a finding that Wisconsin Company had not submitted data supporting the proposed increase, that the proposed revision might be discriminatory and inequitable and that protest against the proposed increase had been filed by certain purchasers suspended the proposed supplemental rate schedules and fixed June 13, 1949, as the date for hearing thereon.

Notices of intention to intervene in that proceeding were filed by the Wisconsin Public Service Commission and the Michigan Public Service Commission on May 18 and 23, 1949, respectively, Wisconsin Commission stating that it had jurisdiction over the wholesale sales made by Wisconsin Company within the borders of its State. The Wisconsin Commission further asserted that it had by orders dated December 18 and 23, 1948, established reasonable and lawful rates for service to the Wisconsin customers named above.

On May 20, 1949, Wisconsin Company filed a petition requesting the Commission to vacate the suspension. As a result of a conference with members of the staff of this Commission, held the same day, Wisconsin Company decided to withdraw its proposed supplemental rate schedules. Accordingly, by letter dated May 27, 1949, Wisconsin Company withdrew its proposed supplemental rate schedules with the representation that revised filings would be made "as soon as these can be prepared." In another letter of the same date, Wisconsin Company stated that the withdrawal "would be expeditiously followed by a filing of an alternative rate proposal to be offered for wholesale customers of electrical energy of the Wisconsin Michigan Power Company."

On June 9, 1949, the Commission issued an order consenting to the withdrawal of the proposed supplemental rate schedules, saying: "In consenting to this withdrawal and in vacating the suspension we are, of course, not consenting to any deviation from the rates and charges provided for in the Wisconsin Company's rate schedules as filed with this Commission prior to the April 8, 1949, filings."

Subsequently, Wisconsin Company informally submitted to the staff for comment proposed revised supplemental rate schedules which would increase the rates and charges to the above customers. At conferences held July 14 and September 28, 1949, between Wisconsin Company representatives and members of the staff of the Wisconsin Public Service Commission and this Commission, members of the staff of this Commission submitted their comments.

Thereafter, on November 28, 1949, Wisconsin Company's counsel advised members of the staff that it plans to request the Public Service Commission of Wisconsin to approve increases in existing rates and charges for large industrial and wholesale sales, including the rates for sales of electric energy to the above-named customers in Wisconsin and would, after securing such approval, make application to this Commission for similar approval with respect to the sales to said wholesale customers.

By letter dated December 15, 1949, this Commission wrote the Wisconsin Public Service Commission setting forth the background herein related, including a

[1] The letters do not relate to the sales to Oconto Electric Cooperative which did not begin until 1947.

[2] Initial submittals were made on January 13 and 26, 1949, but the filing was not completed until April 8 when additional data required by the Commission's rules were received.

reference to the views of the then acting general counsel of the Wisconsin Commission voiced at a conference on June 3, 1949, that this Commission had jurisdiction over the rates and charges to the above customers, and suggested:

> If your Commission has any question that these sales are subject to regulation under sections 205 and 206 of the Federal Power Act, it seems to this Commission that the situation is one admirably suited to the invocation by both commissions of the cooperative procedure set up by agreement with the National Association of Railroad and Utilities Commissioners and reflected in § 1.37 of the Commission's rules of practice and procedure. This would make it possible to settle in a single proceeding, in which all interested parties are joined and can participate, the question of jurisdiction over the sales.
>
> We should, therefore, like to hear from you regarding your Commission's views as to the invocation of a cooperative procedure so that both commissions may have the benefit of all available data in a single record. We shall be happy to arrange a conference with your Commission to discuss the cooperative plan of procedure should your Commission desire it.

The Wisconsin Commission replied by letter dated Decmeber 27, 1949. It denied that the sales to the above customers are subject to the jurisdiction of this Commission and stated that "the Wisconsin Commission would prefer to be an intervenor in any proceeding in which the Federal Power Commission might attempt to assert jurisdiction over sales" to the above-named customers in Wisconsin.

Oral advices and correspondence indicate that, since January 1949, Wisconsin Company has been billing, and the above-named wholesale customers have been paying, for electric energy at rates and charges other than those on file with the Commission, although section 205 (d) of the Federal Power Act and § 35.3 of the Commission's rules thereunder provide that unless the Commission otherwise orders "no change shall be made by any public utility in any (filed) rate, charge, classification, or service, or in any rule, regulation, or contract relating thereto, except after thirty days' notice to the Commission and to the public." No rate schedules setting forth new rates have been filed with the Commission by Wisconsin Company and the rate schedules now on file have never been cancelled in accordance with the act and the rules.

The Commission orders:

(A) A public hearing be held commencing April 10, 1950, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, Eighteenth and Pennsylvania Avenue NW., Washington, D. C., at which hearing the Wisconsin Company shall show cause why the Commission should not:

(1) Find and determine that Wisconsin Company continues to be a "public utility" within the meaning of Part II of the Federal Power Act and a licensee within the meaning of Part I of the act;

(2) Find and determine that Wisconsin Company's sales at wholesale of electric energy to Wisconsin Public Service Corporation, City of Kaukauna, Wisconsin, City of Menasha, Wisconsin, City of Shawano, Wisconsin, City of London, Wisconsin, City of Clintonville, Wisconsin, Upper Peninsula Power Company, and Oconto Electric Cooperative are each sales subject to the provisions of sections 20, 205 and 206 of the Federal Power Act, and Part 35 of the Commission's rules;

(3) Find and determine that Wisconsin Company without 30 days' notice and without waiver of the requirement thereof by the Commission has purported to make changes in its rates and charges on file with this Commission, and since January 1949, has been and continues to charge the customers named in (2) above, rates and charges differing from those provided in rate schedules on file with the Commission applicable to those customers, and thereby has violated and threatens to continue violating the provisions of sections 20 and 205 (d) of the act and §§ 35.3 and 35.20 of the Commission's rules and regulations thereunder;

(4) Order Wisconsin Company to cease and desist from charging the customers named in (2) above, any rate or charge other than that duly filed with this Commission;

(5) Require Wisconsin Company to account for the difference between the amounts which were actually charged and paid and those which would have been charged and paid in accordance with the duly filed rates, to set up on its books a special reserve in that amount, and to submit a plan for the distribution of that amount to those entitled thereto;

(6) Issue such other orders as may be necessary or appropriate to carry out the provisions of the act, initiate or request the initiation of proceedings to bring about compliance with the act and the rules and regulations issued thereunder, and take such other steps as may be appropriate under the act.

(B) Interested State commissions may participate in the hearing ordered in paragraph (A), as provided by §§ 1.8 and 1.37 (f) of the Commission's general rules and regulations, including rules of practice and procedure, dated January 1, 1948.

Date of issuance: February 10, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1310; Filed, Feb. 15, 1950; 8:47 a. m.]

[Docket No. G-1152]

CITY OF PORT HURON ET AL.

NOTICE OF APPLICATION FOR AN ORDER UNDER NATURAL GAS ACT

FEBRUARY 9, 1950.

In the matter of City of Port Huron, City of St. Marysville and City of St. Clair, Michigan, municipal corporations; Docket No. G-1152.

Take notice that the Cities of Port Huron, St. Marysville, and St. Clair (Applicants), municipal corporations of the State of Michigan, filed on November 16, 1948, a joint application for an order pursuant to section 7 (a) of the Natural Gas Act, requiring Panhandle Eastern Pipe Line Company (Panhandle), a Delaware corporation and a natural-gas company within the meaning of the Natural Gas Act, address Kansas City, Missouri, to extend its transportation facilities, establish physical connection of its transportation facilities with the facilities of, and sell natural gas to the Detroit Edison Company (Detroit Edison), a New York corporation, address Detroit, Michigan, authorized, among other things, to manufacture, sell and distribute gas to the citizens and residents of the Applicant municipalities.

Applicants allege that physical connection of the facilities of Panhandle and Detroit Edison could be established by the construction by Panhandle of approximately 25 miles of pipe line at an approximate cost of $300,000. Applicants estimate that the annual use of natural gas from the extension would be 1,230,500 Mcf during the fifth year of operation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1303; Filed, Feb. 15, 1950; 8:46 a. m.]

[Docket Nos. G-882, G-1317, G-1152]

TRUNKLINE GAS SUPPLY CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

FEBRUARY 9, 1950.

In the matters of Trunkline Gas Supply Company, Docket No. G-882, and Panhandle Eastern Pipe Line Company, Docket No. G-1317, City of Port Huron, City of Marysville, and City of St. Clair, Michigan, municipal corporations, Docket No. G-1152.

On November 16, 1948, the Cities of Port Huron, Marysville and St. Clair (Municipalities), municipal corporations of the State of Michigan filed with the Commission a joint application for an order pursuant to section 7 (a) of the Natural Gas Act requiring Panhandle Eastern Pipe Line Company (Panhandle), a Delaware corporation and a natural-gas company within the meaning of the Natural Gas Act, to extend its transportation facilities, to establish physical connection of its transportation facilities with the facilities of, and sell natural gas to The Detroit Edison Company, a New York corporation, engaged, among other things, in the manufacture, distribution and sale of gas to the citizens and residents of the Municipalities. The application is on file with the Commission and open to public inspection. Notice of the filing of the application is being published concurrently with the publication of this order.

An answer to the application of the Municipalities was filed by Panhandle on December 23, 1948.

By order issued January 25, 1950, the Commission consolidated for purposes of hearing the proceedings In the Matters of Trunkline Gas Supply Company, Docket No. G–882, upon a "Petition to Amend Order Issuing Certificate of Public Convenience and Necessity" pursuant to section 7 (c) of the Natural Gas Act, and Panhandle Eastern Pipe Line Company, Docket No. G–1317, upon an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act. The hearing in the consolidated proceedings, Docket Nos. G–882 and G–1317, was ordered to commence on February 27, 1950, at 10:00 a. m., e. s. t., in the Commission's Hearing Room at 1800 Pennsylvania Avenue NW., Washington, D. C.

The Commission orders:

(A) The proceeding in Docket No. G–1152 be consolidated for purposes of hearing with the proceedings in Docket Nos. G–882 and G–1317.

(B) The hearing concerning the matters involved and the issues presented by the application in Docket No. G–1152, the answer of Panhandle Eastern Pipe Line Company and other pleadings filed in the proceeding be held on February 27, 1950, at 10:00 a. m., e. s. t., in the Commission's Hearing Room at 1800 Pennsylvania Avenue NW., Washington, D. C., the time and place designated by the Commission in its order issued January 25, 1950, in Docket Nos. G–882 and G–1317.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: February 10, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–1304; Filed, Feb. 15, 1950; 8:46 a. m.]

[Docket No. G–1287]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 10, 1950.

Notice is hereby given that, on February 10, 1950, the Federal Power Commission issued its findings and order entered February 9, 1950, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–1305; Filed, Feb. 15, 1950; 8:46 a. m.]

[Docket Nos. G–1245, G–1265]

VIRGINIA GAS TRANSMISSION CORP. AND ROANOKE PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 10, 1950.

Notice is hereby given that, on February 9, 1950, the Federal Power Commission issued its findings and order entered February 9, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–1306; Filed, Feb. 15, 1950; 8:46 a. m.]

[Project No. 2024]

IDAHO POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PRELIMINARY PERMIT

FEBRUARY 10, 1950.

Notice is hereby given that, on February 10, 1950, the Federal Power Commission issued its order entered February 9, 1950, authorizing issuance of preliminary permit in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–1307; Filed, Feb. 15, 1950; 8:46 a. m.]

[Docket No. G–585]

ALABAMA-TENNESSEE NATURAL GAS CO.

ORDER REJECTING FPC GAS TARIFF, REOPENING PROCEEDINGS, AND FIXING DATE OF HEARING

FEBRUARY 9, 1950.

On July 2, 1948, the Commission in the above-docketed proceedings issued an order, modifying the initial decision of the Presiding Examiner, issuing Alabama-Tennessee Natural Gas Company (Applicant) a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing, subject to the conditions set forth in said order, the construction and operation of certain natural-gas transmission facilities and the transportation and sale of natural gas in interstate commerce, all as therein more fully described. The condition contained in paragraph (B) of such order, reads as follows:

> Alabama-Tennessee Natural Gas Company shall submit a tariff, including rates, charges, classifications, practices, services, rules, regulations and contracts for the transportation and sale of natural gas, satisfactory to the Commission at least six months prior to commencement of operations.

On December 16, 1949, Applicant filed its FPC Gas Tariff, Original Volume No. 1, to take effect on March 1, 1950, and to remain in effect on an interim basis until May 1, 1951.

Said Tariff provides, among other things, that the rate for all natural gas sold by Applicant to distributing companies for resale shall be a $3.00 per Mcf per month demand charge and 16.5 cents per Mcf commodity charge.

At the hearing on the issuance of a certificate herein, Applicant submitted proposed rates, together with estimates of plant cost, operating expenses and volumes of city-gate sales for the first year of operation. In support of the proposed Tariff, Applicant has submitted estimates of these same factors. The following table is a comparison of the rates and estimates as submitted at the hearing on the certificate with the rates and estimates as submitted with the proposed Tariff:

	Certificate proceedings	Proposed tariff
City-gate rate:		
Demand	$2.00	$3.00
Commodity	12.3¢	16.5¢
Plant cost	$2,806,000	$4,081,000
Operating expenses (exclusive of purchased gas cost)	$109,000	$178,000
City-gate sales volume:		
Annual	1,739,000 Mcf	1,126,500 Mcf
Peak day	11,488 Mcf	7,261 Mcf

Applicant purchases its entire natural-gas requirements from Tennessee Gas Transmission Company at a rate consisting of $1.85 per Mcf per month demand charge and 9.2 cents per Mcf commodity charge. Applicant's allocation of its now estimated costs between sales for resale and other sales submitted with its proposed Tariff may allocate an undue share of the purchased gas cost to sales for resale.

The Cities of Corinth, Mississippi, and Florence, Alabama, proposed to be served by Applicant, have filed protests alleging that the rate in the proposed Tariff is too high and the City of Corinth has requested a hearing:

The Commission finds:

(1) The proposed FPC Gas Tariff, Original Volume No. 1, submitted by Applicant on December 16, 1949, does not constitute satisfactory compliance with the terms and conditions set forth in paragraph (B) of the order of the Commission issued July 2, 1948, in this proceeding, and said Gas Tariff should be rejected.

(2) The record of the proceedings at said Docket No. G–585 should be reopened and further public hearings held with respect to the matters involved in and necessary to the determination of a tariff satisfactory to the Commission.

(3) The request of Applicant that the proposed Tariff take effect as of March 1, 1950, should be denied.

(4) If Applicant commences service to its resale customers prior to the hearing hereinafter ordered or prior to the further order of the Commission herein, Applicant should file an "interim" rate schedule consistent with the rate proposed by it in the certificate proceedings, to wit: $2.00 per Mcf per month demand charge and 12.3 cents per Mcf commodity charge. This filing should be made at least ten days prior to the commencement of service, and, to this extent, the requirement in paragraph (B) of the order issued July 2, 1948, herein that a tariff be filed at least six months prior to the commencement of operations should be waived.

The Commission orders:

(A) The FPC Gas Tariff, Original Volume No. 1, submitted by Applicant on December 16, 1949, and proposed to become effective on March 1, 1950, be and it is hereby rejected; and it shall have no force and effect as a schedule of rates and charges filed under section

4 of the Natural Gas Act, until the further order of the Commission.

(B) The proceedings at Docket No. G–585 be and they are hereby reopened for the limited purpose respecting the matters enumerated in finding (2) above.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 5, 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure, a public hearing be held with respect to the matters referred to in paragraph (B) above, commencing on April 4, 1950, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: February 10, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–1308; Filed, Feb. 15, 1950; 8:47 a. m.]

[Docket No. G–1281]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF FIRST AMENDED APPLICATION

FEBRUARY 10, 1950.

Take notice that Mississippi River Fuel Corporation (Applicant), a Delaware corporation, of 407 North 8th Street, St. Louis, Missouri, filed on January 30, 1950, first amended application for certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipe line facilities hereinafter described.[1]

Applicant proposes to construct and operate additions to two previously authorized compressor stations and to lease and operate seven new compressor stations to be constructed by a third party, as follows:

Location	Number of units	Rated hp. per unit	Total rated hp.
Perryville, La.	2	1,000	[1] 3,000
Fountain Hill, Ark.	3	1,000	[2] 3,000
Glendale, Ark.	5	1,000	[2] 5,000
Humnoke, Ark.	4	1,000	[2] 4,000
West Point, Ark.	2	1,000	[1] 2,000
Tuckermann, Ark.	3	1,000	[2] 3,000
Biggers, Ark.	5	1,000	[2] 5,000
Poplar Bluff, Mo.	2	1,000	[2] 2,000
Twelvemile, Mo.	5	1,000	[2] 5,000
Total	32		32,000

[1] Additions to existing stations to be owned by applicant.
[2] New stations to be leased by applicant.

Applicant proposes also to construct and operate three 12-inch river crossings and 4½ miles of 24-inch loop line.

[1] Notice of original application filed on September 19, 1949, in Docket No. G–1281 was published in the FEDERAL REGISTER on October 1, 1949 (14 F. R. 6028).

The proposed additional facilities, according to the amended application, will have the effect of increasing Applicant's system daily sales capacity from 266,000 Mcf to 375,000 Mcf. By means of this increased capacity, Applicant proposes to meet increased demands of its existing customers, to deliver natural gas for distribution in 29 communities in Arkansas and Missouri, which are now without natural-gas service and to connect additional main line industrial customers in Arkansas, Missouri, and Illinois.

The estimated cost of the compressor station additions to be constructed by Applicant is $1,351,000, and of the river crossings and loop line, $912,000, which will be financed by Applicant from cash on hand. The estimated construction cost of the new compressor stations to be leased by Applicant is $5,400,000, which cost will be financed by the lessor.

In the amended application it is stated:

A maximum daily delivery of 55,000 Mcf of additional natural gas necessary to meet the requirements of the Applicant, will be supplied by United Gas Pipe Line Company at a price to be agreed upon subsequently. United Gas Pipe Line Company will supply the Commission with information regarding the volume of gas it will have available for delivery to Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50–1309; Filed, Feb. 15, 1950; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

COMMISSIONER OF LIQUIDATION SERVICE

DELEGATION OF AUTHORITY

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Cong.), it is hereby provided that:

(a) Any authority delegated and transferred to the Commissioner of the Liquidation Service by paragraph 3, Administrative Order No. 31, December 23, 1949, 14 F. R. 7943, or continued in effect by such paragraph, shall remain in full force and effect until superseded by the Administrator of General Services or the Commissioner of the Liquidation Service.

(b) Any authority with respect to the planning, development, and administration of the surplus real property disposal programs and activities of the General Services Administration, and any authority relating to the disposal of surplus real property, vested in the Commissioner of the Public Buildings Service and the Commissioner of the Community Facilities Service by Administrator's Temporary Regulation No. 1, dated July 1, 1949, 14 F. R. 3693, by Administrator's Delegation of Authority No. 4, December 12, 1949, 14 F. R. 7569, and by Adminstrator's Delegation of Authority No. 6, December 12, 1949, 14 F. R. 7569, is hereby revoked and all such authority is hereby delegated and transferred to the Commissioner of the Liquidation Service.

2. The authority transferred and delegated by paragraph 1 (b) hereof may be redelegated by the Commissioner of the Liquidation Service to any officer, official, or employee of the General Services Administration.

3. The authority conferred herein shall be exercised in accordance with such regulations, policies, administrative procedures and controls as are in effect on and after the effective date hereof.

4. This delegation of authority shall be effective as of February 9, 1950.

JESS LARSON, *Administrator.*

[F. R. Doc. 50–1311; Filed, Feb. 15, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24860]

GRAIN FROM ST. LOUIS, MO., TO TENNESSEE

APPLICATION FOR RELIEF

FEBRUARY 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the Gulf, Mobile and Ohio Railroad Company and Louisville and Nashville Railroad Company.

Commodities involved: Grain, grain products and related articles, carloads.

From: St. Louis, Mo., and East St. Louis, Ill., when from beyond.

To: Jackson, Gilmore and Carroll, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1129, Supplement 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50–1326; Filed, Feb. 15, 1950; 8:49 a. m.]

[4th Sec. Application 24861]

MOTOR, RAIL, MOTOR RATES; CHICAGO GREAT WESTERN RAILWAY CO.

APPLICATION FOR RELIEF

FEBRUARY 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for and on behalf of the Chicago Great Western Railway Company and Ringsby Truck Lines, Inc.

Commodities involved: All commodities.

Between: Chicago, Ill., and Council Bluffs, Iowa.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, Substituted Freight Service Directory I. C. C. No. 22, Supplement 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1327; Filed, Feb. 15, 1950; 8:49 a. m.]

[4th Sec. Application 24862]

AGRICULTURAL IMPLEMENTS FROM PACIFIC COAST TO JACKSON, MISS.

APPLICATION FOR RELIEF

FEBRUARY 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to the tariffs listed below.

Commodities involved: Agricultural and grading or road making implements and parts and related articles, carloads.

From: Points in Pacific coast territory.

To: Jackson, Miss.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. 1538, Supplement 5. L. E. Kipp's tariff I. C. C. No. 1535, Supplement 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1328; Filed, Feb. 15, 1950; 8:50 a. m.]

[4th Sec. Application 24863]

PETROLEUM AND PETROLEUM PRODUCTS FROM ALWINN, OKLA.

APPLICATION FOR RELIEF

FEBRUARY 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs listed below.

Commodities involved: Petroleum and petroleum products, carloads.

From: Alwinn, Okla.

To: Points in Southwestern, Illinois, Western Trunk Line, Official and Southern territories.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3585, 3821, 3802, 3825, 3651, 3724 and 3723; Supplements Nos. 393, 30, 56, 49, 217, 107 and 112, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1329; Filed, Feb. 15, 1950; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 52-27, 54-125, 59-22]

NORTH AMERICAN GAS AND ELECTRIC CO. ET AL.

NOTICE OF FILING OF AMENDMENT TO REORGANIZATION PLAN OF WASHINGTON GAS AND ELECTRIC CO., AND NOTICE OF AND ORDER RECONVENING HEARINGS IN CONSOLIDATED PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of February 1950.

In the matter of North American Gas and Electric Company, Washington Gas and Electric Company, Nathan A. Smyth and Leo Loeb, trustees of the Estate of Washington Gas and Electric Company, Southern Utah Power Company, et al., Respondents, File No. 59-22; Nathan A. Smyth and Leo Loeb, as trustees in reorganization under Chapter X of the Bankruptcy Act of Washington Gas and Electric Company, Debtor, File No. 52-27; Nathan A. Smyth and Leo Loeb, as trustees in reorganization under Chapter X of the Bankruptcy Act of Washington Gas and Electric Company, debtor, Southern Utah Power Company, File No. 54-125.

A Plan of Reorganization pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 (the "act") having been submitted by Nathan A. Smyth, as Trustee in Reorganization under Chapter X of the Bankruptcy Act of Washington Gas and Electric Company, Debtor ("Washington"), a public utility and a registered holding company, providing, in substance, for the allocation of the shares of common stock of Washington and of its sole subsidiary, Southern Utah Power Company ("Southern Utah"), a public utility company, in the ratio of 99.223% of each stock to the holders of General Mortgage Bonds ("bondholders") of Washington and 0.777% to the general creditors of Washington; and

Such Plan having been approved by this Commission on January 24, 1949, by the District Court of the United States for the Southern District of New York on March 9, 1949, and having been accepted by the bondholders and general creditors of Washington on April 30, 1949, and confirmed by order of the said Court dated October 5, 1949; and

The Plan having provided that as an alternative to the distribution of the Southern Utah shares, the Trustee has reserved the right to propose an amendment to the plan for approval by this Commission, the Court and the bondholders and general creditors of Washington, which would provide for the sale of the Southern Utah shares and the distribution of the proceeds in lieu of those shares;

Notice is hereby given that, pursuant to authorization granted on January 30, 1950, by the District Court of the United States for the Southern District of New York, the Trustee has filed an amendment to the aforementioned Plan of reorganization providing in substance for the sale of the shares of Southern Utah

and the distribution of the proceeds in lieu of the shares.

All interested persons are referred to said amendment, which is on file in the offices of this Commission, for a statement of the transactions and modifications proposed therein which are summarized below:

1. The Trustee has agreed to sell the 62,910 outstanding shares of no par value common stock of Southern Utah for a base price of $550,000, to be increased by adjustment payments equal to the amount of Southern Utah's net income from September 1, 1949, to the closing date. The purchasers are the City of Cedar City, Utah, and the Southwest Utah Power Federation, a non-profit cooperative association organized under the laws of Utah, which has qualified for a loan from the Rural Electrification Administration for the purpose, in part, of acquiring the properties of Southern Utah. By agreement the aforementioned adjustment payments are to be held in escrow for a year or until such prior time as (a) satisfactory proof shall be given to the Purchasers that Southern Utah is not liable for any taxes in excess of those accrued on its books, or upon a claim or cause of action other than for liabilities showing on its books; or (b) a satisfactory indemnity agreement shall have been made by Washington to indemnify the Purchasers against any loss on account of such unpaid taxes or causes of action or claims. At the termination of the escrow period, the escrow funds are to be paid over to Washington for its corporate purposes.

2. Upon receipt of the proceeds of the sale, the Trustee proposes forthwith to distribute therefrom pro rata among the bondholders and general creditors of Washington an amount of cash equal to $8 per share of Southern Utah common stock in lieu of such common stock distributable under the Plan of reorganization heretofore confirmed. The total amount of such cash distributions will approximate $504,100.

3. The Trustee also proposes to turn over to Washington, as reorganized, for its corporate purposes, the difference between the proceeds of the sale, including adjustments, and the amount required to make the aforesaid distributions to bondholders and general creditors. In this connection the amendment states that the new board of directors of Washington, who were approved by the Court to serve until the next annual meeting of stockholders, have passed resolutions favoring both the sale of the common stock of Southern Utah and retention of $100,000 of the proceeds thereof.

4. Pursuant to the Plan of reorganization heretofore approved by this Commission and confirmed by the Court, the amendment is subject to the approval of this Commission, the Court and the bondholders and general creditors of Washington.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that hearings in these consolidated proceedings be reconvened;

It is ordered, That a hearing in such consolidated proceedings under the applicable provisions of the act and rules of the Commission be reconvened on March 6, 1950, at 11 a. m., e. s. t., in the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such day the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. In the event that further amendments to the Plan are filed during the course of said proceedings, no notice of such amendments will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of any additional plans or amendments should request such notice of the Trustee or should file an appearance in these proceedings. Any person, who has not heretofore entered his appearance, desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before March 3, 1950, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act, and to a hearing officer under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues to be considered in these consolidated proceedings, there will be considered at such reconvened hearing the following matters and questions:

1. Whether the aforementioned Amended Plan, as submitted or as further modified, is feasible, and fair and equitable to the persons affected thereby.

2. Whether, and to what extent, the Amended Plan, as submitted or as further amended, should be modified, or terms and conditions imposed, to ensure adequate protection of the public interest and the interests of investors and consumers and to prevent circumvention of the act and rules and regulations thereunder.

3. Whether the sale of the common stock of Southern Utah, as now proposed or as hereafter modified, meets the requirements of section 12 (d) of the act and the requirements of any other applicable provision of the act and the rules and regulations thereunder.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to Nathan A. Smyth and Leo Loeb, Trustees of Washington Gas and Electric Company, Debtor, to Southern Utah Power Company, the Cities of Tacoma, Washington, and Cedar City, Utah, the Southwest Utah Power Federation, the Federal Power Commission, the Rural Electrification Administration of the Department of Agriculture, the Department of Public Utilities of the State of Washington, the Public Service Commission of the State of Utah, The Continental Bank and Trust Company of New York, indenture trustee under the mortgage securing Washington's First Lien and General Mortgage 6% Bonds, and to The Chase National Bank of the City of New York, indenture trustee under the mortgage securing Washington's First Mortgage Bonds; that notice shall be given to all other persons by general release of the Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Act; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That Nathan A. Smyth, Trustee of Washington Gas and Electric Company, Debtor, shall give notice of the said hearing by mailing copies of this notice of and order for hearing to all participants in these proceedings, or their respective attorneys, to all persons who have appeared in the reorganization proceedings of Washington Gas and Electric Company, Debtor, in the United States District Court for the Southern District of New York (File No. 79529), and to the bondholders and general creditors of Washington, at their respective last known addresses at least fifteen days prior to the date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-1319; Filed, Feb. 15, 1950; 8:46 a. m.]

[File Nos. 54-170, 54-172]

NIAGARA HUDSON POWER CORP. AND UNITED CORP.

MEMORANDUM OPINION AND ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of February 1950.

The United Corporation ("United"), a registered holding company, has filed an application requesting us to enter a supplemental order in this proceeding, pursuant to sections 10 and 12 (d) of the Public Utility Holding Company Act of 1935, authorizing United to exchange approximately 1,375,448 shares of the common stock of Niagara Hudson Power Corporation ("Niagara") and the necessary amount of cash (estimated at $1,375,000) for approximately 1,072,849.4 shares of common stock of Niagara Mohawk Power Corporation ("Mohawk"), and to exchange 48,529 shares of Niagara 5% Cumulative Second Preferred Stock, Series A, for 189,263.1 shares of Mohawk Class A stock.

Public notice of the filing of United's application was given on December 27, 1949, whereupon, Randolph Phillips, a common stockholder of United, requested that a hearing be held. At our request, Phillips submitted a written statement setting forth the issues he proposed to raise and an offer of proof with respect to the evidence which he proposed to submit or adduce in the event his request for hearing should be granted. After appropriate notice, we heard oral argu-

ment by counsel for United in support of the application and by Phillips in opposition thereto.

The contentions and matters before us for consideration stem from plans of reorganization heretofore submitted to us by Niagara, a registered holding company and a subsidiary of United, and by United pursuant to section 11 (e) of the act. The Niagara plan, involving the consolidation of three of its principal subsidiaries to form Mohawk and the ultimate dissolution of Niagara, was approved by us on August 25, 1949, and by the United States District Court for the Northern District of New York on November 4, 1949. The plan became effective on January 5, 1950. However, on February 2, 1950, the United States Court of Appeals for the Second Circuit decided that the case should be remanded to the Commission for the purpose of reconsidering the treatment of the option warrants of Niagara which, under the terms of the plan, were not accorded any participation.

Under the provisions of the Niagara dissolution plan, (a) all holders of its outstanding preferred stocks are to receive in exchange therefor shares of the Class A stock of Mohawk, and (b) all holders of the common stock, for a period of six months after the effective date of the plan (January 5, 1950) have the right to obtain common stock of Mohawk on the basis of $^{78}/_{100}$ share of Mohawk common stock for 1 share of Niagara common stock, plus a ratable amount of cash per share of Niagara common stock necessary to pay off the bank loan of Niagara outstanding at the date on which the exchange is made. Cash thus received is to be applied to payment of the bank loan. Niagara estimated that such cash amount at July 1, 1949, would be approximately $1.60 per share of Niagara common stock.[1] The plan further provides that, subject to the Commission's approval, Niagara will dispose of the shares of common stock of Mohawk not withdrawn pursuant to the foregoing provisions, within two years from January 5, 1950, unless such period is extended by this Commission. Until full payment of Niagara's bank loan no dividends will be declared or paid upon its common stock. Upon payment of the bank loan, the remaining shares of common stock of Mohawk will be distributed pro rata to Niagara's remaining common stockholders and thereafter Niagara will dissolve.

In the course of oral argument held in respect to the Niagara plan, counsel for United made a statement to the effect that it was United's intention, if it had the necessary amount of cash and received this Commission's approval, that its holdings of common stock of Niagara and the requisite amount of cash would be exchanged for the common stock of Mohawk as soon as possible. However, United did not, in the course of that proceeding file a formal request or application for Commission action in respect to this contemplated transaction. Phillips did not participate in the proceeding on the Niagara plan or raise any objection with respect thereto.

On October 20, 1949, we entered our order approving a plan previously filed by United which provided for the distribution to United's stockholders, as a special dividend, of $^1/_{10}$ share of common stock of Niagara for each share of United common. Phillips actively participated in that proceeding, cross-examined company witnesses, presented testimony of his own, and filed his own proposal for the disposition of United's assets, including the distribution of all of United's holdings of common stock of Niagara on the basis of one share of Niagara common for each five shares of United common. In our findings and opinion issued in respect of United's plan, we stated, in part:

> On balance, we believe the weight of interest is in favor of permitting the distribution, provided that the stockholders are safeguarded from a succession of such isolated proposals with their mounting cumulative potentiality of damage to them, and that the option warrant holders are provided a fair opportunity for consideration of their claims. Thus, we have concluded that while we could not approve the transaction as but the first of a series of similar piecemeal steps that would have the effect of avoiding forthright consideration and resolution of the necessary issues, it may be approved as necessary provided that—but only provided that—United undertake to file, promptly, and as its next step, under our order of August 14, 1943, a comprehensive plan under section 11 (e) of the act, detailing the remaining steps to be taken, and the timing thereof, to complete its transformation into an investment company, with particular reference to the three matters which we have set forth above * * * We can and will consider any further proposals only as part of and in the light of such a comprehensive section 11 (e) plan, since only in that manner can we ensure that the action taken is reasonable and fair to the security holders of United.
>
> * * * * *
>
> * * * Viewing Phillips' "plan" as a statement of objections to the management's plan, * * * it is clear that the procedure we have outlined will insure United presenting to us in the near future its program for future compliance and his contentions and proposals will be considered at that time. (Holding Company Act Release No. 9431)

Subsequently, Phillips filed in the Court of Appeals for the District of Columbia, an application for leave to adduce additional evidence, a petition for a stay and review of the Commission's order. The petition for stay was denied and United has effectuated the distribution of the Niagara common stock as provided in the plan.

Pursuant to our findings and opinion, United filed an application on November 15, 1949 for approval of a plan under section 11 (e) of the act for the stated purpose of satisfying the requirements of the Commission's order of August 14, 1943, directing United to change its capitalization to a single class of stock, namely, common stock and to take such action as would cause it to cease to be a holding company.[2] The plan as filed requested approval, among other things, of the exchange by United of its holdings of preperred stock for the Class A stock of Mohawk and also its holdings of common stock and the requisite amount of cash in exchange for the common stock of Mohawk. In this connection, counsel for United stated at the oral argument held on January 24, 1950, that these particular proposals were included in the plan as a matter of economy of time and that because of the lag in time between the filing of United's plan and the date scheduled for hearing (January 24, 1950), which was about three weeks subsequent to the effective date of Niagara's plan, a supplemental order in the Niagara plan proceeding was requested with the view to expediting accomplishment of the exchange.

In support of the proposed exchange, United's counsel contended that since the Commission and the United States District Court had found that the exchange of securities and necessary cash payment as provided in the Niagara plan were fair and equitable to all persons affected, including United, the exchange presented no problems. It was pointed out that if a stockholder of Niagara did not put up the cash and common stock necessary to obtain the Mohawk common, he would not receive any dividend income until Niagara's bank loan was paid from earnings which it is estimated would retire the loan in about a year. Contrawise, the stockholder who effectuated the exchange would be in a position to receive quarterly dividends on the common stock of Mohawk estimated at the initial rate of $1.40 a year, which in the case of United would become available for distribution to its own common stockholders. In the latter event, it was expected that United might possibly increase dividend payments from the 10¢ per share paid last year to 20¢ per share for the year 1950 and that such dividend would be tax-free to the recipient. A further claimed advantage was the use by United of about $1,375,000 of nonearning cash.

Phillips' principal[3] contentions in opposition to the proposed exchange are as follows: (A) The acquisition of Niagara securities by United cannot be

[1] According to United's estimated cash requirement of $1,375,000 to effectuate the exchange, the per share cash payment has been reduced to about $1.00 at the effective date of the plan (January 5, 1950).

[2] The United Corporation, 13 S. E. C. 854 (1943).

[3] One of Phillips' contentions is to the effect that the Commission should schedule a formal hearing and afford him the opportunity to present and adduce evidence in an adversary proceeding in the absence of which there is inadequate evidence to support affirmative action on United's application.

We believe that there is sufficient evidence to support affirmative action on United's application in (1) our prior Findings and Opinion with respect to the Niagara Hudson plan itself together with the Actions of the District Court and of the Court of Appeals for the Second Circuit in respect to that plan, all of which are matters of official notice; and (2) the record of the prior proceeding with respect to the special dividend distributed by United consisting of one-tenth of a share of common stock of Niagara for each share of United common. In addition, we take notice of the issues raised in the subsequently instituted proceeding in respect of the plan which is the subject of United's application dated November 15, 1949. For reasons stated in the text we believe that Phillips' present contentions raise no issue upon which an evidence-taking hearing would be pertinent.

approved by the Commission because it violates the standards of section 10 (b) (1) relating to the concentration of control of public utilities, and section 10 (c) (2) concerning the development of an integrated public utility system, and section 11 (b) (2) because it perpetuates pyramiding in violation of section 11, and (B). The Commission should not approve the proposed exchange prior to determining the fairness and equity of Phillips' proposal filed in previous proceedings in respect of United, that such approval would be prejudicial to the Commission's consideration of his proposal and "will make it less easy than at present" to accomplish the distribution proposed therein.

Phillips' contentions with respect to the statutory provisions for practical purposes are identical with those urged upon the United States Court of Appeals for the Second Circuit in June 1946 in respect of a reorganization plan involving Niagara and certain of its subsidiaries.[4] The court in affirming the Commission's order stated, in part:

> If this were the final definitive order of simplification at the end of the difficult task set for the Commission by the statutory mandate, there would be force in what petitioner says. But, of course, it is only a step, and, so far as we can see, a limited step, along the road. There is nothing in the act which says every order must be an all-or-none one, and that strict compliance with the ultimate objective must be forced at once—as if that were even remotely possible, in view of the intricacy of these huge financial structures. Rather has it been recognized throughout that the Commission's task was a delicate one, that a principal reason for its creation was "to secure the benefit of special knowledge acquired through continuous experience in a difficult and complicated field," in short, that the Commission should act its role of technical expert, rather than that of mere policeman, restricted only to shaking his billy at possible offenders. S. E. C. v. Associated Gas & Electric Co., 2 Cir. 99 F. (2d) 796, 798; Douglas, Democracy and Finance, 1940, p. 43.

In so far as the standards of Section 10 are concerned it will be noted that the acquisition will not increase, but will slightly decrease United's present voting control in the Niagara system,[5] that United has previously stated that it does not desire to retain any integrated public utility system, that to the extent the exchange would expedite the dissolution of Niagara it works toward the elimination of the pyramiding situation, and that in any event compliance with our outstanding order of August 1943 precludes permanent repugnancies to the applicable statutory standards. No showing has been made of any improper or detrimental effect of the proposed acquisition nor can we perceive in what way the acquisition can be injurious to any stockholder.

Phillips' second contention in respect of the disposition by United of all its holdings of the common stock of Niagara is obviously not one of substance but rather arithmetical and mechanical. There is no significant difference in the distribution to United's stockholders of the 1,072,849 shares of the common stock of Mohawk in lieu of the 1,375,448 shares of common stock of Niagara.

Needless to say, approval of the acquisition will in no way alter or modify the requirements of our outstanding order of August 1943. We will, therefore, grant United's request.

It is therefore ordered, Pursuant to the applicable provisions of the act and rules thereunder and subject to the terms and conditions prescribed in Rule U-24, that United's application to acquire securities of Mohawk be, and hereby is, granted, and United's declaration regarding the disposition of its holdings of securities of Niagara be permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-1315; Filed, Feb. 15, 1950; 8:48 a. m.]

[File No. 54-178]

UNITED LIGHT AND RAILWAYS CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of February A. D. 1950.

Notice is hereby given that a declaration has been filed with this Commission, Pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Continental Gas & Electric Corporation ("Continental"), a registered holding company and a subsidiary of The United Light and Railways Company ("Railways"), also a registered holding company, with respect to the proposed sale by Continental of all of its interest in Hume-Sinclair Coal Mining Company ("Hume-Sinclair") and Huntsville-Sinclair Mining Company ("Huntsville"). The declaration designates section 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

The plan providing for the liquidation of Railways and Continental, filed pursuant to section 11 (e) of the act, approved by the Commission's order dated January 10, 1950, provided inter alia, that Continental's investment in Hume-Sinclair was to be sold or otherwise disposed of, and if the disposition was otherwise than by a sale to non-affiliated interests it was to be subject to the approval of the Commission upon a separate application. In consummation of this step of the plan Continental now proposes, pursuant to written contract dated December 21, 1949, to sell to L. Russell Kelce all of its interest in Hume-Sinclair and Huntsville for $500,000. The net proceeds, after deducting fees and expenses estimated at $1,100, are to be applied upon Continental's bank loan.

The declaration states that Continental owns 300 shares (26.22%) of the common stock of Hume-Sinclair and 99 shares (9.9%) of the common stock of Huntsville, but controls neither company. It is further stated that the common stock of Hume-Sinclair, other than that held by Continental, is held by officers, directors and principal employees of Hume-Sinclair and by the estate of Grant Stauffer, former president of Hume-Sinclair, that the ownership and management of Hume-Sinclair and Huntsville are substantially identical, and that it has been the policy of the management of these companies to keep the ownership of the stock in the hands of the management and employees. It is further stated that L. Russell Kelce is purchasing the stock on behalf of himself and certain other directors, officers and principal employees of Hume-Sinclair and Huntsville, that he proposes to sell, at the same price per share which he pays, a portion of the stock being purchased to not more than 10 of such officers, directors or principal employees, and that such purchasers have no present intention of making a public offering of such stock. It is also stated that neither Hume-Sinclair nor Huntsville is a public utility company, that neither owns or operates any utility assets, and that L. Russell Kelce and his associates are not affiliates of Continental or any company in the Railways system, except Hume-Sinclair and its subsidiary, Bevier Coal Company.

The applicants request that the Commission's order contain appropriate recitals conforming to the requirements of sections 371 (b) and (f), 373 (a) and 1808 (f) of the Internal Revenue Code as amended.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration and that said declaration shall not be permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing with respect to said declaration, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, be held on February 23, 1950, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before February 21, 1950, a written request with respect thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell, or any other officer or officers of

---

[4] Randolph Phillips v. Securities and Exchange Commission, 156 F. (2d) 606 (C. A. 2, 1946).

[5] In the absence of the proposed exchange, United's voting control over Niagara is increased by virtue of exchanges effected by other Niagara common stockholders. United's counsel stated at the oral argument held January 24, 1950 that about 2,800,000 shares of Niagara common stock (30%) was turned in for Mohawk common subsequent to the effective date of the plan (January 5, 1950).

this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to this Commission under section 18 (c) of the Public Utility Holding Company Act of 1935 and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed price to be received for the securities to be sold is reasonable, whether competitive conditions were maintained, and whether the terms and conditions of the proposed sale of securities are detrimental to the public interest or to the interest of investors or consumers.

2. Whether the fees, commissions and other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

3. Whether the accounting entries to be recorded in connection with the proposed transactions are consistent with the requirements of the Uniform System of Accounts for Public Utility Holding Companies.

4. What terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1316; Filed, Feb. 15, 1950; 8:48 a. m.]

[File No. 68-134]

METROPOLITAN EDISON CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of February 1950.

Metropolitan Edison Company ("Meted"), a subsidiary of General Public Utilities Corporation, a registered holding company, having filed a declaration pursuant to section 12 (e) of the act and Rules U-62 and U-65 promulgated thereunder with respect to the solicitation of consents of the holders of a majority of its outstanding Preferred Stock to increase the total authorized amount of Preferred Stock from 185,000 shares to 215,000 shares, and to the increase in the stated capital applicable to the presently issued and outstanding Common Stock from $12,323,400 to $16,323,400; and

The Commission deeming it appropriate to permit said declaration to become effective:

It is ordered, That the declaration filed pursuant to section 12 (e) of the act and Rules U-62 and U-65 promulgated thereunder with respect to the solicitation of consents of the preferred stockholders of Meted be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1312; Filed, Feb. 15, 1950; 8:47 a. m.]

[File No. 70-2210]

BLACKSTONE VALLEY GAS AND ELECTRIC CO. AND EASTERN UTILITIES ASSOCIATES

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of February A. D. 1950.

The Commission having by orders dated October 6, 1949 and October 19, 1949, granted and permitted to become effective a joint application-declaration of Eastern Utilities Associates ("EUA"), a registered holding company, and its subsidiary company, Blackstone Valley Gas and Electric Company ("Blackstone"), with respect to the issuance and sale of 35,000 shares of Blackstone's preferred stock; and

The Commission having reserved jurisdiction with respect to the payment of all counsel fees and expenses incurred in connection with the proposed transactions; and

The record having been completed with respect to said counsel fees and expenses and the Commission finding that said fees and expenses are not unreasonable and that no adverse action need be taken in connection therewith; said fees and expenses being as follows:

	Fee	Expense	Total
Edwards & Angell, Counsel for the Company	$7,500	$287	$7,787
Ropes, Gray, Best, Coolidge & Rugg: Services as counsel for the successful underwriter	4,500	166	4,666
Services in connection with qualifying stock under Blue Sky Laws	1,000	300	1,300

It is ordered, That the jurisdiction heretofore reserved with respect to counsel fees and expenses in connection with the proposed transaction be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1317; Filed, Feb. 15, 1950; 8:48 a. m.]

[File No. 70-2244]

NEW ENGLAND ELECTRIC SYSTEM

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of February A. D. 1950.

The Commission having by orders dated November 3, 1949, and November 17, 1949, permitted to become effective the declaration, as amended, of New England Electric System ("NEES"), a registered holding company, with respect to the issuance and sale of 669,508 additional shares of common stock; and

The Commission having reserved jurisdiction with respect to the payment of fees and expenses incurred in connection with the proposed transaction; and

The record having been completed with respect to said fees and expenses by amendments showing said fees and expenses in the aggregate amount of $156,469, including expenses for services rendered by the system service company and fees and expenses of firms which rendered financial, legal, or accounting advice as follows:

	Fee	Expense	Total
New England Power Service Co.: For services in connection with the preparation of registration statement, prospectus, and documents with reference to the proceedings before this Commission	$21,243	$1,014	$22,258
The First Boston Corp.: For services as financial advisers	15,000	2,001	17,001
Messrs. Simpson, Thacher & Bartlett: For services as counsel for underwriters	8,500	331	8,831
For disbursements incurred in connection with the qualification of the common shares of NEES under the Blue Sky Laws of various States	-------	684	684
Messrs. Lybrand, Ross Bros. & Montgomery: For services as independent public accountants	11,000	-------	11,000

The Commission finding that said fees and expenses are not unreasonable and that no adverse action need be taken in connection therewith:

It is ordered, That the jurisdiction heretofore reserved with respect to fees and expenses in connection with the proposed transaction be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1321; Filed, Feb. 15, 1950; 8:49 a. m.]

[File No. 70-2259]

AMERICAN NATURAL GAS CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of February A. D. 1950.

In the matter of American Natural Gas Company, Michigan Consolidated Gas Company, Milwaukee Gas Light Company; File No. 70-2259.

The Commission, having, by orders dated November 16 and November 23, 1949 granted and permitted to become effective the application-declaration, as amended, filed by American Natural Gas Company ("American Natural") and its

subsidiaries, Michigan Consolidated Gas Company ("Michigan Consolidated") and Milwaukee Gas Light Company ("Milwaukee Gas"), with respect to the issue and sale by American Natural, through a rights offering to its stockholders and pursuant to competitive bidding requirements of Rule U-50 promulgated under the Public Utility Holding Company Act of 1935, of 276,805 shares of no par value common stock and the investment of a portion of the proceeds in the common stocks of Michigan Consolidated and Milwaukee Gas; and

The Commission having, by said orders, reserved jurisdiction with respect to fees and expenses of the agent, accountants, engineer and counsel, including fees of independent counsel for the underwriters, in connection with the proposed transactions; and

The record having been supplemented with respect to said fees and expenses showing the amounts proposed to be paid by American Natural of $36,155.25 to National City Bank of New York, Agent, $19,521 to Arthur Andersen & Co., Accounts, $2,500 to Ralph E. Davis, Engineer, counsel fees aggregating $14,250 including $12,500 to Sidley, Austin, Burgess & Harper; a request for $3,500 to be paid by Michigan Consolidated for services of local counsel; a request for $2,000 to be paid by Milwaukee Gas for services of local counsel; and a request for a fee of $8,000 for the services of Chadbourne, Hunt, Jaeckel & Brown, Independent Counsel for the underwriters to be paid by the successful bidder; and

The Commission having considered the record as supplemented, and it appearing that the fees and expenses requested are not unreasonable and that it is appropriate to release jurisdiction heretofore reserved with respect to such fees and expenses:

It is ordered, That the jurisdiction heretofore reserved with respect to the fees and expenses to be incurred and paid in connection with the issuance and sale of common stock by the American Natural Gas Company and the investment of a portion of the proceeds received in the common stocks of Michigan Consolidated Gas Company and Milwaukee Gas Light Company be, and it hereby is, released.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1320; Filed, Feb. 15, 1950; 8:49 a. m.]

[File No. 70-2270]

NEW ENGLAND PUBLIC SERVICE CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of February A. D. 1950.

New England Public Service Company ("NEPSCO"), a Maine corporation which is a registered holding company and a direct subsidiary of Northern New England Company, also a registered holding company, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company act of 1935 and Rule U-23 and U-44 thereunder, with respect to the following transaction:

NEPSCO's subsidiary, Public Service Company of New Hampshire ("Public Service") proposes for a cash consideration of $154,415 (with adjustments as provided in the contract of sale, dated September 22, 1949) to sell and convey to Granite State Electric Company ("Granite State"), a non-affiliated public-utility company and a subsidiary of New England Electric System, a registered holding company, all the properties and franchises of Public Service used or useful in the operation of its business in the Towns of Enfield, Canaan, Orange, Hanover and Grafton, in its so-called Enfield-Canaan District, in the State of New Hampshire.

The Public Service Commission of New Hampshire has by order entered December 19, 1949, expressly approved the sale by Public Service and the acquisition by Granite State, as aforesaid.

Such declaration having been duly filed, and notice of filing having been duly given in the form and manner prescribed by Rule U-23, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers to grant declarant's request that the order herein be made effective without delay;

It is therefore ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that the declaration be and the same hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1318; Filed, Feb. 15, 1950; 8:48 a. m.]

[File No. 70-2295]

GENERAL PUBLIC UTILITIES CORP. ET AL.

ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE SUBJECT TO CERTAIN TERMS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of February 1950.

In the matter of General Public Utilities Corporation, Metropolitan Edison Company, New Jersey Power & Light Company; File No. 70-2295.

General Public Utilities Corporation, a registered holding company, and its subsidiaries, Metropolitan Edison Company ("Meted"), and New Jersey Power & Light Company ("New Jersey"), having filed joint applications-declarations, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7 and 12 thereof and Rules U-45 and U-50 promulgated thereunder, with respect to the issue and sale by Meted, pursuant to the competitive bidding requirements of Rule U-50, of $7,000,000 principal amount of First Mortgage bonds, __% Series, due 1980, and 70,000 shares of Cumulative Preferred stock, __% Series; the issue and sale by New Jersey, pursuant to the competitive bidding requirements of Rule U-50 of 20,000 shares of Cumulative Preferred Stock, __% Series; capital contributions by GPU to Meted and New Jersey of $4,000,000 and $650,000, respectively; amendments to the certificates of incorporation of Meted and New Jersey; and a proposed increase to 50,000 shares of the number of authorized but unissued shares of preferred stock of Meted; and

A public hearing having been held after appropriate notice, and the Commission having examined the record and having made and filed its findings and opinion herein:

It is ordered, Pursuant to the applicable provisions of said act, that the application-declaration of Meted and New Jersey with respect to the issue and sale of said securities and amendments to their respective certificates of incorporation, the proposed increase in the number of authorized but unissued shares of preferred stock of Meted, and the declaration of GPU with respect to said capital contribution to be made to Meted and New Jersey, be, and hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of bonds and preferred stock by Meted and the proposed sale of preferred stock by New Jersey shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate.

It is further ordered, That the ten-day period prescribed in Rule U-50 for inviting sealed bids with respect to the preferred stock proposed to be issued and sold by New Jersey be, and the same hereby is, shortened to a period of not less than six days.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all legal fees and expenses to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1314; Filed, Feb. 15, 1950; 8:48 a. m.]

[File No. 70-2302]

OHIO POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of February A. D. 1950.

The Ohio Power Company ("Ohio"), an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, having filed a declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof, with respect to the following proposed transactions:

Ohio proposes to establish a line of credit with the banks named below whereby it may borrow from said banks from time to time prior to December 31, 1951 sums not to exceed in the aggregate the amount of $18,000,000, such loans to be evidenced by notes to be issued by Ohio dated as of the date of the borrowings and maturing nine months from the dates thereof.

The proposed borrowings will be made in the indicated amounts from the following banks:

Name of bank	Address	Amount
Irving Trust Co	New York, N. Y.	$4,000,000
Guaranty Trust Co. of New York	do	4,000,000
Bankers Trust Co	do	3,200,000
Mellon National Bank & Trust Co.	Pittsburgh, Pa	3,200,000
Central Hanover Bank & Trust Co.	New York, N. Y.	1,800,000
Chemical Bank & Trust Co.	do	1,800,000
Total		18,000,000

The declaration states that the initial borrowing will be in the aggregate amount of $7,000,000 on or about February 10, 1950, said borrowing to be evidenced by promissory notes of Ohio bearing interest from the date of such borrowing at the then current prime credit rate which the declaration states will be 2% per annum. The proceeds from this initial borrowing will be used in part to repay without premium Ohio's presently outstanding bank loan in the amount of $5,000,000.

Subsequent borrowings will be made from time to time prior to December 31, 1951 and will bear interest from the respective dates thereof at the then current prime credit rate. At least ten days prior to each borrowing subsequent to the initial borrowing Ohio will file an amendment to this declaration setting forth the amount of such proposed borrowing and the annual rate of interest thereon. In addition, at least ten days prior to the renewal of any outstanding note previously issued under this credit agreement Ohio will file an amendment setting forth the interest rate on the notes to be renewed. It is proposed that each such amendment shall become effective ten days after the filing thereof if no action is taken with respect thereto by the Commission within such ten day period.

Ohio may prepay the notes from time to time in whole or in part without payment of premium. Any such partial payments are to be made ratably on all notes outstanding.

The declaration having been filed on January 5, 1950, an amendment thereto having been filed on January 27, 1950, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to the said act, and the Commission not having received request for hearing within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions have been specifically approved by the Public Utilities Commission of the State of Ohio, the state in which Ohio is organized and doing business, the Commission observing that American Gas has previously stated that permanent financing of Ohio will occur either in 1951 or 1952 at which time an investment in the common stock of Ohio will be made by American Gas (American Gas and Electric Company, — S. E. C. — (1949) Holding Company Act Release No. 9234) and the Commission finding in the light of such commitment of American Gas that no adverse findings are necessary in connection with the declaration, as amended, and that it is appropriate to permit said declaration, as amended, to become effective without the imposition of terms and conditions, and the Commission also deeming it appropriate to grant declarant's request that the order herein become effective forthwith upon its issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that the said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1313; Filed, Feb. 15, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14297]

CARL BARCKHAUSEN

In re: Bank account owned by Carl Barckhausen. F-28-28557-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Barckhausen, whose last known address is Heinsen, ueber Elze, Provinz Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Carl Barckhausen, by Hawaiian Trust Company, Limited, Honolulu 2, T. H., arising out of a blocked account, entitled Carl Barckhausen, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-1337; Filed, Feb. 15, 1950; 8:57 a. m.]

[Vesting Order 14319]

ANNA BRAUNWARTH

In re: Interest in a mortgage and claim owned by Anna Braunwarth.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Braunwarth, whose last known address is Miltenberg A/Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-third (⅓) interest in a mortgage executed February 28, 1946, by Mataron Realty Corp., a New York Corporation, to 418 West 118th Street Corporation, a New York Corporation, and recorded in the Office of the Register of the City of New York in New York County, New York, in Liber 4802, Page 675 of Mortgages, which mortgage was assigned by 418 West 118th Street

Corporation, a New York Corporation, to Rosa K. Brown by assignment dated May 10, 1949, and recorded in the Office of the Register of the City of New York in New York County, New York, in Liber 5072, Page 188 of Mortgages, and an undivided one-third (⅓) interest in and to any and all obligations secured by said mortgage, including but not limited to, all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such undivided one-third (⅓) of said obligations and the right to enforce and collect the same,

b. That certain debt or other obligation owing to Anna Braunwarth by Rosa K. Brown, 1550 Silver Street, Bronx, New York, arising out of funds received by said Rosa K. Brown for and on behalf of Anna Braunwarth, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Anna Braunwarth, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1338; Filed, Feb. 15, 1950; 8:57 a. m.]

[Vesting Order 14320]

SOPHIE KRAPP AND CAROLINA BASSING

In re: Interest in real property and property insurance policy owned by Sophie Krapp and Carolina Bassing.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Krapp, whose last known address is Markus Strasse 19, Bamberg, Bayern, Germany, and Carolina Bassing, whose last known address is Weidnitz P. Burgkunstadt Oberfr. Bayern, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-third (⅓) interest in real property situated in Richmond Hill, County of Queens, City and State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and

b. All right, title, interest and claim of the persons named in subparagraph 1 hereof, in and to Fire Insurance Policy No. 464512, in the amount of $4,500.00, issued by Royal Insurance Company, 150 William Street, New York, New York, which policy expires December 17, 1952 and insures the improvements on the real property described in subparagraph 2-a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

All that certain lot, piece or parcel of land situate lying and being in the Fourth Ward of the Borough of Queens, City of New York, County of Queens and State of New York, known and designated on a certain map entitled "Map of Junction-East-Brooklyn" and filed in the office of the Clerk of the County of Queens on July 9th, 1869, under File Number 416 as and by lot number forty-four which said lot is bounded and described as follows: Beginning at a point on the westerly side of One hundred and thirtieth Street formerly Washington Avenue distant two hundred and twenty-six and sixteen one hundredths feet northerly from the corner formed by the intersection of the northerly side of Ninety-first Avenue formerly Fulton Street with the westerly side of One hundred and thirtieth Street running thence northerly along the westerly side of One hundred and thirtieth Street twenty-five feet; thence westerly at right angles to One hundred and thirtieth Street one hundred and four and sixty-three one hundredths feet; thence southwesterly twenty-five and ten one-hundredths feet to a point in a line drawn westerly at right angles from the point of beginning and distant one hundred and six and ninety-four one-hundredths feet westerly therefrom and thence easterly at right angles to One hundred and thirtieth Street one hundred and six and ninety-four one-hundredths feet oh the westerly side of One hundred and thirtieth Street at the point or place of beginning.

[F. R. Doc. 50-1339; Filed, Feb. 15, 1950; 8:57 a. m.]

[Vesting Order 14321]

TINE HOCHREIN ET AL.

In re: Real property, property insurance policy and claim owned by Tine Hochrein, Dora Müller, Walter Beringer, Rudolf Beringer, Emmy Klopf, Louise Beringer, also known as Luise Beringer, Paul Beringer, Erna Beringer, also known as Erna Beringer Kleinm, and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Hochrein, deceased.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses appear below are residents of Germany and nationals of a designated enemy country (Germany):

Name and Last Known Address

Tine Hochrein, Poppenlauer 28, Unterfranken, Bavaria, Germany.

Dora Müller, Gartenstrasse 7, Schweinfurt, Unterfranken, Bavaria, Germany.

Walter Beringer, Siedlungsweg 14, Muenchberg, Oberfranken, Bavaria, Germany.

Rudolf Beringer, Opostelgasse 10, Schweinfurt, Unterfranken, Bavaria, Germany.

Emmy Klopf, Poppenlauer 2, Unterfranken, Bavaria, Germany.

Louise Beringer, also known as Luise Beringer, Poppenlauer 28, Unterfranken, Bavaria, Germany.

Paul Beringer, Poppenlauer 28, Unterfranken, Bavaria, Germany.

Erna Beringer, also known as Erna Beringer Kleinm, Poppenlauer 28, Unterfranken, Bavaria, Germany.

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Hochrein, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Real property situated in the City of Cleveland, County of Cuyahoga, State of Ohio, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1 hereof, and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Hochrein, deceased, in and to Fire and Extended Coverage Insurance Policy, Number 3768, in the amount of $2,000.00, expiring October 6, 1950, issued by Connecticut Fire Insurance Company, 30 Trinity Street, Hartford, Connecticut, which policy insures the improvements on the real property described in subparagraph 3-a hereof, and

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Hochrein, deceased, by Dorothy I. Hyde, 1175 Union Commerce Building, Cleveland, Ohio, arising out of rents collected on the real property described in subparagraph 3-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Hochrein, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3-b and 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

All that certain parcel of land situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Westerly one-half of Sublot No. 366 in Hiram Stone's Addition being a Subdivision of part of Original Brooklyn Township Lots Nos. 53 and 68, as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records, and being 25 feet front on the Southerly side of Erin Avenue SW., and extending back of equal width 137 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

[F. R. Doc. 50-1340; Filed, Feb. 15, 1950; 8:57 a. m.]

[Vesting Order 13323, Amdt.]

HAWAII ISHIZUCHI JINJA

In re: Real property and personal property owned by Hawaii Ishizuchi Jinja.

Vesting Order 13323, dated June 1, 1949, is hereby amended as follows and not otherwise: By deleting therefrom Exhibit A attached thereto and substituting therefor Exhibit A attached hereto.

All other provisions of said Vesting Order 13323 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

All of that certain lot, piece or parcel of land situate on the northeast side of King Street at Kapaakea, Honolulu, and being a portion of lot 3A of the subdivision of the land described in Royal Patent (Grant) #177 to Peter J. Gulick, and described by metes and bounds as follows:

Beginning at the south corner of this lot, on the northeast side of King Street and running as follows:

N. 69° 03' W., 80.0 feet along King Street;
N. 16° 15' E., 179.5 feet along Lot 2A;
S. 69° 00' E., 80.0 feet along the northeast portion of Lot 3A;
S. 16° 15' W., 179.25 feet along Lot 4A to the point of beginning and containing an area of 14,300 square feet.

The land above described is the same as that conveyed by Augustus Marques to Hawaii Ishizuchi Jinja by deed recorded in the Bureau of Conveyances of the Territory of Hawaii in Liber 478 on pp. 210-11, said land being erroneously described therein as being on the Northwest side of King Street at Kapaakea, Honolulu.

[F. R. Doc. 50-1341; Filed, Feb. 15, 1950; 8:57 a. m.]

EMANUEL FREIBERG ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emanuel Freiberg, London, England, Claim No. 12568; Josua Arije Szereny, Tel-Aviv, Israel, Claim No. 12569; Mrs. Lazar Bischitz, Budapest, Hungary, Claim No. 13169; Mrs. Lajos Szanto, Szeged, Hungary, Claim No. 13170; Tibor Szanto, Szeged, Hungary, Claim No. 13279; Alexander Szanto, Szeged, Hungary, Claim No. 13279; (Consolidated); $36,655.59 in the Treasury of the United States, returnable as follows: 12/70 each to Mrs. Lazar Bischitz, Mrs. Lajos Szanto, Emanuel Freiberg and Josua Arije Szereny; 17/70 to Tibor Szanto and 5/70 to Alexander Szanto. All right, title and interest of the claimants, in the respective proportions set forth above, in and to other assets of the residuary estate of Jacques Freiberg, deceased, identified as follows: 6 United States Series E Bonds, each of $25 face value, Nos. 41703751; 95220518; 95227685; 95210609; 71811521 and 95214613, registered in the name of Jacques Freiberg; Certificate No. 1616, dated September 7, 1937, of The National City Bank of New York, Liquidating Trustee, for 8303/1382902ths interest in Certificate of Beneficial Interest in Liquidating Trust No. 1 (City Bank Farmers Trust Company Plan B) in the name of Jacques Freiberg; Certificate No. 331 of City Bank Farmers Trust Company, dated September 7, 1937, Acknowledgment of Participating Ownership in Property held by City Bank Farmers Trust Company pursuant to its Plan of Uniform Trusts B; and Life Insurance Policy No. 695270, issued by the Travelers Insurance Company, Hartford, Connecticut, dated Jan. 31, 1921, on the life of Jacques Freiberg.

Executed at Washington, D. C., on February 10, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1342; Filed, Feb. 15, 1950; 8:57 a. m.]